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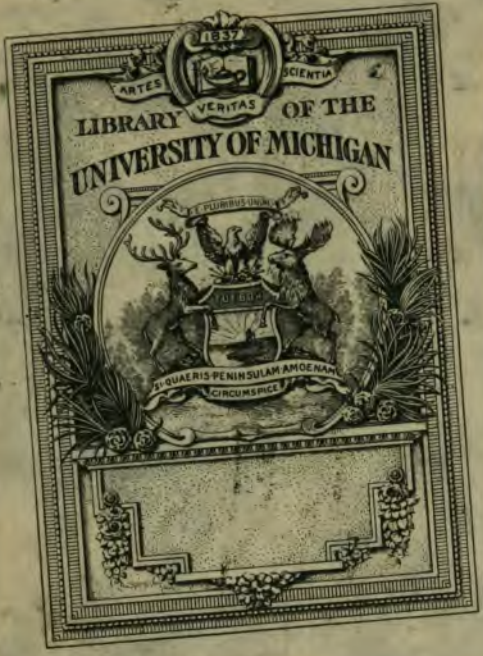

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OF THE

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EDITED BY THE

REV. CHARLES ROGERS, LL.D.

HISTORIOGRAPHER TO THE ROYAL HISTORICAL SOCIETY; FELLOW OF THE SOCIETY OF ANTIQUARIES OF SCOTLAND; AND CORRESPONDING MEMBER OF THE HISTORICAL AND GENEALOGICAL SOCIETY OF NEW ENGLAND

VOL. IV.

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1876

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PREFACE.

A CHIEF design entertained by the founders of the Royal Historical Society to procure materials for history from unexplored or recondite sources, is in a great measure realised in the Papers which constitute the present volume. It is the constant aim of the Council to secure such contributions as may promote discussion at the Monthly Meetings and at the same time prove useful in the permanent record of the Society's Transactions. Since the publication of vol. iii. the number of Fellows has increased from 383 to 466. A Library, supplied by the contributions of Members, has been opened at the Society's Rooms.

CHARLES ROGERS,
Historiographer.

SOCIETY'S ROOMS,
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HISTORICAL NOTICES AND CHARTERS OF THE PRIORY OF BEAULY.

By EDMUND CHISHOLM-BATTEN, Esq., F.R.S.E.

It is difficult now to conceive of the rapid transmission of opinions and usages, which existed at the time when there was but one Church in Western Christendom. As in the age of the Antonines, a fashion at Rome was soon taken up in distant provinces, so during the pontificate of Innocent III., a novelty in religious practice quickly spread throughout Europe. The imperial roads and post-houses did not more securely send on the orders of the reigning Cæsar to Alexandria or York, than the lines of convents and parsonages passed the fiat of the occupant of St Peter's Chair to the extremity of Scotland or Spain. This is strongly exemplified in the origin of the Priory of Beauly, the religious House whose records are now for the first time collected.

He who would judge best of the rigour of the rules of St Bruno, should climb the mountain of the Grande Chartreuse, where the Saint established his Reformed order with vows of unusual austerity, under the protection of the Virgin Mary, and also of John Baptist, whose severity of life was the

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pattern. "Ora et labora" was the ruling maxim of the Charterhouse, and the wild and desolate region in which it is built, compelled as well as nerved the toil of the brethren.

But very soon was introduced a distinction between the inmates of even Carthusian houses; and in these monasteries as well as others, the brethren were divided into two classes, the brethren of the choir, and the lay brethren (*conversi*). The first alone received holy orders, and performed the functions of the priesthood. These offices, and study and contemplation, occupied their time; while the bodily labour, both domestic and agricultural, prescribed by the rules, was the duty only of the lay brethren.

Viard, a lay brother of the Charterhouse of Louvigny, in the diocese of Langres, in Burgundy, believing himself called to a life of more severity and greater freedom from temporal cares than his position of lay brother allowed, obtained permission from the superior to retire as a hermit to a cavern in a wood, a few miles off, and there practised the most extraordinary austerities. He was discovered by the inhabitants of the neighbourhood, and his strict observances soon gained him a just reputation. The Duke of Burgundy came often to visit him, and at last vowed that if success should attend the ducal arms in a military expedition then projected, a monastery would be founded on the spot which Viard had made holy, and Viard should be its head.

Viard, like other hermits, and not forgetful of the maxims of St Bruno, worked in his own garden, and supplied his "vegetable store" by his own labours. In this way, probably, the valley in which his cavern was situated acquired the name of Vallis Caulium, or Vallis Olerum, the Valley of Herbs. The duke returning victorious from his expedition, built the promised monastery in the Holy Vale; and Viard, as the first prior, completed the foundation, and, according to an ancient inscription over the church, took up his abode there on the 2d November 1193. Viard framed a set of rules for the governance of the new society, and in the Register of the Bishopric of Moray, we have these regulations set out and

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approved by Innocent III., in a Bull of protection, dated the 10th of February 1205.

No house of this order was ever established in England, but within twenty-five years from the confirmation of the new rules by Pope Innocent, three houses of the order were founded in Scotland, and that too in the extremities of that kingdom.

This was brought about by William Malvoisin, Bishop of St Andrews. The history of the Alexanders, and of William the Lion, has yet to be written, and when this is done, full justice will be rendered to the character of Malvoisin. Among the band of prelates who surrounded the throne of William the Lion, none stands higher than Bishop Malvoisin, appointed before 1180 one of the Clerici Regis, or King's secretaries. It is impossible to doubt that even before his elevation to the chancellorship, he exercised considerable influence over the king. As the first instance of William insisting on the election of his own nominee as bishop takes place just about the time that Malvoisin first appears as the king's official, it was probably by his encouragement that the king introduced the rule; for it was a principle established by Charlemagne, and strictly adhered to by the Norman kings of England, that the cathedral chapters, if permitted to elect, should choose the nominees of the Crown as their bishops; and Malvoisin was a Norman, and doubtless taught this lesson of Norman tyranny, as Giraldus Cambrensis calls it,* to the Scottish king.

It is probable that the young councillor supported the king in his resistance to the Pope, who ordered the elect of the chapter of St Andrews to be consecrated bishop in opposition to the king's nominee. The king banished the bishop from the kingdom, and the Pope laid Scotland under an interdict, and excommunicated the king. But in the end the Crown prevailed. And even in the days of Victoria, the queen's irresistible recommendation to a bishopric betokens its Nor-

* Giraldus Camb., De Instruct. Princ.; Robertson's Preface to Stat. Conc. Ecc. Scot., xxxiv., n. 2.

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man origin by assuming the form of a *congé d'elire*, with a letter-missive containing the name of the person to be elected.*

In September 1199 Malvoisin was appointed Chancellor of Scotland. When made Chancellor he was only in deacon's orders, and not till his election to the bishopric of Glasgow was he advanced to the dignity of the priesthood. On Saturday the 24th September 1200, he was ordained priest at Lyons by the archbishop of that city; and on Sunday the 25th he was consecrated bishop by the same prelate under the mandate of Pope Innocent III. There is extant a letter addressed by this archbishop to Malvoisin, which shows how anxious the latter was to obtain the fullest information and the best advice as to the duties of the episcopal office he had just undertaken.† The archbishop suggests to Malvoisin that on his proposed stay at Paris he would be able to consult those skilled in canon (divine) and civil (human) law. It is probable that Malvoisin was educated at Paris, and he seems to have kept up his connection with the learned there.

In 1201, Malvoisin was translated from Glasgow to St Andrews, the see which, though not yet an archbishopric, constituted its possessor the Primus, or first in dignity of the Scottish bishops.

Sent as ambassador‡ by his young king to John, sulking in the Isle of Wight after his mortification at Runnymede, Malvoisin proceeded from England to attend the Fourth Lateran Council at Rome in November 1215. This was the best attended Council of the Latin Church. It consisted of nearly five hundred archbishops and bishops, beside a great multitude of abbots and priors and ambassadors from

* The Queen *v.* the Archbishop of Canterbury, 11 Queen's Bench Reports, 483.

† The letter is printed in Appendix to Preface to Stat. Conc. Ecc. Scot., xxx.

‡ Malvoisin went to visit his parents in Normandy in 1212, and probably attended the Council at Paris that year. On his return he presided over a Synod of the Scottish clergy at Perth; on William the Lion's death, 4th December 1214, he enthroned the young king, with more than usual ceremony. He was appointed ambassador to England 9th July 1215.

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most of the Christian courts in the West and East. Next to the recovery of the Holy Land, the reformation of the Church in faith and discipline formed a subject of consultation, and great complaints were made respecting monastic corruption. It was urged that new orders of religious men were too common, and the Council enacted that their foundation should be discouraged, but this enactment could not apply to the orders already sanctioned by Pope Innocent, such as those of St Dominic and the Valliscaulians.

Malvoisin saw the fitness of these two orders for Scotland. The Dominicans, intrepid preachers, to be placed in the towns and cities of the kingdom; and the Valliscaulians, men of austere lives, whose little communities might attract attention and secure respect, in the wildest and most remote districts. Both orders were in startling contrast to the decayed and effete Culdees of Mucross who still remained at St Andrews, at the very gates of the Primus' own cathedral; a small priestly caste who had lost all voice in the election of a bishop; and though clinging to their hereditary possessions, had given up their cure of souls and their charge of the hospital for the sick and the poor, the pilgrim and the stranger.*

In 1225 the Scottish clergy were, by an unusual exercise of the grace and prerogative of the papal see, empowered to meet in council without the summons or presence of a papal legate. Malvoisin secured the precedence of his see in the council: beginning with the Bishop of St Andrews—the Bishop of the Scots, as Malvoisin proudly styled himself—each bishop was in turn to preach at the opening of the council. The Chancellor was upon such friendly terms with the king, whom he had baptised and invested with the ensigns

* Yet these clerics, whose name had already become a bye-word, had rights which Malvoisin defended against the dignified Augustinian canons of St Andrews. The hereditary property of the Culdees was possibly attacked, or their right to mutter divine service after their manner in a corner of the cathedral; at all events, in February 1221, the papal legate at Perth heard a litigation commenced by the prior and canons of St Andrews against their bishop and certain clerics of St Andrews, commonly called Culdees—"et quosdam clericos de S. Andrea, qui Keledei vulgariter appellantur" (Theiner, Mon. Vet. Hib. et Scot., p. 16).

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of royalty, that he must have readily attested the writ which sent two doctors of civil law to attend the council as Commissioners on behalf of the Crown.

And now the monarch and Primus were to testify their sense of the Pope's benefits by establishing the new orders in Scotland. At the end of the year 1229 peace was established throughout Scotland; for some years before, the towns and the southern part of the kingdom had been freed from war, and had increased in wealth by trade and commerce. The marriage of the young King of Scotland, in 1221, to the sister of the King of England, and of two princesses of Scotland, sisters of Alexander, to Hugh de Burgh and Roger Bigod, two of the most powerful English nobles, put a stop to all hostilities between the two nations, and introduced a friendly intercourse between their ruling families.

The insurrection of Somerled, Lord of the Isles, in 1221, which led to the expulsion of his family from Argyle by Alexander in 1222, freed the vassals of Somerled from their fealty to him, and they were made vassals of the Crown. North Argyle or Wester Ross was given to the Earl of Ross. Lorn was granted to be held of the king *in capite* by the sons of Dougal. In 1228 the last effort was made by the Gaelic population to place upon the throne the heir of Malcolm Canmore, according to the Celtic laws of descent. Gillespie M'Farlane broke out in open rebellion against the king, killed Thomas of Thirlstane, to whom Malcolm IV. had given the district of Abertarff, and set fire to the town of Inverness. The king went himself against Gillespie, who was overcome and slain; the insurrection was completely extinguished; and the kingdom enjoyed peace.

In the year 1230 four monasteries of the Dominicans and three of the Valliscaulians were founded. The Dominicans, the Preaching Friars, were placed, two by the king himself in Edinburgh and Berwick-upon-Tweed, one at Ayr by the king and William Malvoisin, and one by Allan Durward (*ostiarius*) in Montrose. The Valliscaulians, almost hermits, were placed, one by the king at Pluscardine in Moray, another by Duncan

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Macdougal of Lorn at Ardchattan on Loch Etive, in Argyle; and the third by John Byset at Beauly, at the head of the Beauly Firth, in Ross.

This House of Beauly is the foundation whose few charters are printed in the sequel. It was planted in a situation admirably fitted for the object of its institution. Amidst a tract of rich alluvial soil brought down by the river and stretched between the hills and sea-shore, on the great highroad from Inverness to the North, the baron of English descent, who had recently acquired the large possessions of the Aird, built the new monastery. Just where the noble river, after wasting the speed acquired by its rush over the rocks of Kilmorack, in the windings below the founder's new castle of Beaufort, spreads out into the Beauly Firth, and opposite the wooded hills of Balblair, open to the sunny south, surrounded by level land productive of the finest wheat and the most luxuriant grasses, John Byset reared his priory and its church, whose walls six centuries and a half have not been able to pull down. He or his protegés, the monks, gave the spot a new name, Bellus Locus, the Beautiful Place,—a name which the queen's father had given some twenty-six years before to the noble monastery he had erected on the shores of the Solent; and looking at the surrounding scenery, we cannot wonder it should be said that when Queen Mary slept at the Priory of Beauly she, on hearing its name adopted from the language of her beloved France, exclaimed, "C'est un beau lieu."*

The Dominicans were bound to be instant in preaching the Gospel. Their founder was distinguished by a fervid and persuasive eloquence, and feeling the power of this faculty, he

* This is the probable version of the story of the parish minister of Kilmorack. He says: "In the house of the priests who officiated in this priory, Queen Mary, it is said, was entertained for a night; and upon seeing in the morning the beautiful view from its windows, she exclaimed: 'C'est un beau lieu,' and hence the name Beauly was given to the village and river" (Stat. Acct. Inverness-shire, 1842, p. 366). As this minister supposes the name of his parish, Kilmorack, the church of Mary, to be derived from a lady, a descendant of one of the lairds of Chisholm, we must not give him implicit credence. See the amusing criticism on this, Quart. Rev., vol. lxxxii., p. 360.

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established a fraternity devoted to its exercise—a society of itinerant preachers. Accordingly their houses were centres in which the brethren were trained to their profession, and from which they went forth into the streets of towns and the lanes of villages to preach to the poor tidings of salvation.

Far different was the rule of the Valliscaulians; their own salvation, and not the rescue of others, was the object of their retreat from the world. They lived in very small cells, that at the times of prayer, of study, and of meditation, they might be withdrawn from other objects, and alone with God. They kept no oxen, sheep, or any lands cultivated by their own labour, surrendering all possessions which might divert their attention from spiritual exercises by the care which such property required to make it valuable. They had marked bounds outside the inclosure of their priories, beyond which none were permitted to wander, save the prior and those he took with him to visit dependent houses. Personally they worked only in their gardens, and never went even to these but at hours allowed for bodily labour. They were content with such incomes as they could receive without giving themselves much anxiety—such incomes as provided them with the necessaries of life, and relieved them from the obligation of quitting the precinct to obtain the means of living. They received into the house no more brethren than its revenues could maintain. They wore the dress of the Cistercians.

Such is the account given by Helyot,* on the authority of Cardinal Jacques de Vitri, whom he styles a contemporary writer. We find a more elaborate and authentic statement of the rules of the founder in the Bull of Pope Innocent III., to which we have referred. It is recorded in the Register of Moray probably as the Rule of the House of Pluscardine, in that diocese:

"Innocent the Bishop, servant of the servants of God, to his beloved sons, the Prior and the Brothers of the Valley of Herbs, sends health and the apostolic blessing. The apostolic see is wont to assent to

* Histoire des Ordres Monastiques, vol. vi., p. 178.

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pious wishes, and to extend to the honourable prayers of those seeking it a willing favour. We received from the letters of our very venerable brother G. elect of Rheims, that on his passage through the diocese of Langres, he found that you had in the Valley of Herbs taken upon yourselves the new institution of an order: inquiring diligently as to its merits, he found nothing in it but what was religious and honourable. He found, indeed, as his same letters express, that among you one monk, whom you, my sons the monks, elect, is by right prior, to whom all the monks, of course, and also the lay brothers, the company of whom may not exceed the number twenty, as to their spiritual father, are to take care to show reverence and obedience.

"None of you are to possess any separate property.

"In assembling every day, the mass and the canonical hours* shall be sung. Private masses, whoever wish, may also celebrate.

"You shall hold a chapter every day, making twelve readings at the appointed times.

"You shall work together, and you shall eat together in the refectory, not using flesh or fat (*sagimine*). The prior shall eat with you in the same refectory†—contented with the like food and clothing as the rest. From the feast of the Lord's Resurrection down to the exaltation of the Holy Cross (14th September), you shall eat twice in the day, passing the rest of the time under the abstinence of fasts, being content on Fridays with bread and water and one relish‡ to it. On the day of the Lord's Nativity you shall not fast, nor on Friday in summer when a feast shall happen to fall of twelve readings.

"You shall live on your revenues (*redditibus*).

"You shall observe silence. Women shall not enter the inner bounds, nor shall you pass the outer bounds, except the prior on the

* The canonical hours of prayers were seven, after Ps. cxix. 164: (1.) at 2 A.M.—the monks went to bed at 8 P.M.; (2.) Matins, at 6 A.M.; (3.) 9 A.M.; (4.) at high noon; (5.) 3 P.M.; (6.) Vespers, 6 P.M.; (7.) at 7 P.M. See Concordiæ Regularum by St Benedict, in Fuller's Church History, book vi., § 3.

† In abbeys, the abbot only on great solemnities graced the monks with his presence in the dining-hall or refectory.

‡ *Pulmentum.* The ancient Romans lived on the simplest fare, chiefly on pottage (*puls*), or bread and pot-herbs, hence everything eaten with bread, or besides bread, was afterwards named *Pulmentum* or *Pulmentarium* (ὀψωνιον, *opsonium*, called in Scotland, Kitchen).—Hor. Sat. ii., 2, 20; Ep. i., 18, 48. Adam's Roman Antiquities, p. 401.

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business of the order. The prior, however, if he shall be occupied or sick, and urgent necessity or evident utility shall require it, shall be able to select any other monk, who may pass the outer bounds.

"You shall wear hair-shirts next your skin: those, however, who cannot endure these are not to be compelled to do so. You are on no account to put on linen or hempen garments, but to clothe yourselves in white dresses of coarse wool and leather. You shall all lie down in your tunics, with your girdles on, and shoes on. And besides this, you, my sons the monks, with your cowls on, nowhere and never resting upon mattresses.

"Your novices shall be in probation for a year.

"And you, my sons the monks, from matins to the hour of labour, and from vespers to sunset, shall devote yourselves to reading, prayer, and contemplation, except those whom, at the discretion of the prior, he, for some certain and necessary cause, shall consider ought to be withdrawn from this.

"We, therefore, assenting to your just entreaties, take under the protection of the blessed Peter and ourselves, your persons and the place in which you shall give yourselves up to divine service, with all things that you reasonably possess at present, or which by the grant of pontiffs, the bounty of kings or princes, or the oblations of the faithful, or by any other just means, God favouring you, you shall be able to acquire.

"Specially, however, we, by the apostolic authority, confirm the order itself, constituted by careful deliberation, with the assent of the diocesan, and we fortify it by the defence of this present script.

"It is altogether prohibited, therefore, to any man to violate this page of our protection and confirmation, or to oppose it by any rash doing. If this, however, any one shall presume to attempt, let him know that he will incur the indignation of Almighty God, and of the blessed Apostles Peter and Paul. Dated at Rome, at St Peter's, the 1205th year from the Lord's incarnation, the 4th day before the Ides of February, in the seventh year of our pontificate."

The monks wore a white cassock with a narrow scapulary, and over that a black gown, when they went abroad, and a white one when they went to church.

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They were daily employed in dressing the gardens of fruits and herbs, which were within the bounds of the monastery, and improved for the use of it.*

Such regulations were excellently adapted for a religious establishment to be placed in the remote districts of the Highlands of Scotland, and the selection shows the sagacity of the Primus.

I shall now, with a view to throwing as much light as I can on the documents that are printed, illustrate each of them in chronological order by reference to the circumstances under which they were originally produced, and I shall endeavour to give an account of the personages who appear either as parties to the documents, or as witnesses to their execution. Such an account of the history of the Priory of Beauly as is necessary to connect the documents together, I have also thought would not be unacceptable; and that everything which contributes to the history of the sister priories of Pluscardine and Ardchattan would be properly introduced.

The documents are printed from the transcripts of Macfarlane of Macfarlane in the Advocates Library. An excellent account of him is given in the Chartulary of Cambuskenneth.† The transcripts are in the second volume of the MSS. called "Diplomatum Collectio," twenty-three in number, and are the only documents extant of the charters of the Priory.

There is no date to the transcripts, but from their juxtaposition to the Chartulary of Cambuskenneth, transcribed in 1738, it is probable that they were transcribed shortly before that time. In whose possession the documents were at the time of their being transcribed is not stated. Two of them—one, No. XVII., dated the 11th February 1500, and the other, No. XI., dated June 1340—correspond with the titles of two of the documents inventoried in the list of Lovat charters, which now belongs to Captain Dunbar Dunbar, and has been

* Orem's History of Aberdeen. Bibliotheca Top. Brit., 1790, p. 73.

† Preface to the Chartulary of Cambuskenneth, printed for the Grampian Club.

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kindly lent by him. This list contains the titles of those writs belonging to the Lovat family, which Alexander, Master of Lovat, and tutor to Hugh, Lord Lovat, gave to Mr Alexander Abernethie, writer in Edinburgh, in 1651, before he set out to fight with King Charles II., at the fatal battle of Worcester, and which were restored to him on the 6th November 1652. The Lovat estates passed on quietly from Hugh, Lord Lovat, to his son of the same name, who died in 1696, leaving issue daughters only; the eldest, Amelia, married, in 1702, Alexander Mackenzie, styled, of Fraserdale.

Although Simon, Lord Lovat, soon raised his father's and his own claims to the succession, yet he did not get the papers of the family. On the 10th May 1716, he writes to Duncan Forbes, afterwards Lord President, then advocate in Edinburgh: "My service to Mr Macfarlan and his lady. I would wish he would search Fraserdale's right to the estate; and what we can do to find the old papers of the family." The papers would naturally be with Hugh, the eldest son of Amelia Fraser; Hugh certainly acted as owner of the estate of Lovat and the superiorities belonging to it. One of the transcribed writs, No. XXII., confirmed on the 26th April 1532, is produced by Hugh, titular Lord Lovat, on 22d July 1729,* in the pleadings of the cause relating to the right to the peerage between him and Simon, Lord Lovat.

John Spottiswoode, advocate, wrote notes on "Hope's Minor Practicks," and an account of religious houses in Scotland. In his account of Beauly, he refers to four of the writs which are transcribed, Nos. I., III., XV., XXIII. He died in 1728, though the account was not published by his son till 1734.† He married the mother of Walter Macfarlane, at whose expense the transcripts were made, and there seems every reason to believe that at the time they were seen by Spottiswoode, they were in the possession of Hugh, the titular Lord.

There was a submission to arbitration between Hugh, Lord

* Printed Memoir for Hugh, Lord Lovat, 22d July 1729, p. 22.

† Hope's Minor Practicks. Edin. 1734.

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Lovat, and Simon, Lord Lovat, in March 1733, which was completed by a decreet-arbitral not long before 1738, on the 26th July of which year Simon made up titles to the whole lands of Lovat. At this time it may be supposed that all the writs of 1652 were given up to Simon, Lord Lovat; whether he destroyed any of them is not known. Those which are grants of the Beauly Priory lands after the Reformation such as Nos. XVIII. and XIX. in the Inventory of 1652, being title deeds of the Lovat estate, are now, it seems from Dr Stuart's "Book of Kinloss," in the possession of the present Lord Lovat.

But what, on the forfeiture of Simon, Lord Lovat, became of the transcribed writs which concerned the previous history of the Priory, does not appear. No reference is made to them in the publication of the Hon. Archibald Fraser of Lovat, entitled "Annals of the Frasers," so that it seems doubtful whether they ever came into his possession. We can only hope that by calling public attention to the matter, the original documents may be discovered.*

No. I.

BULLA GREGORII PAPÆ PRIORI DE BELLO LOCO ORDINIS VALLISCAULIUM ROSSENSIS DIOCŒSIS.

Ex Autographo [1231].

"Gregorius episcopus Servus Servorum Dei dilectis Filiis priori Fratribus Monasterii de Bello loco ordinis Vallis Caulium Rossensis Diocœsis Salutem et Apostolicam Benedictionem. Cum a nobis petitur quod justum est et honestum, tam vigor æquitatis quam ordo exigit rationis, ut id per solicitudinem officii nostri ad debitum perducatur effectum. Ea propter, dilecti in Domino filii, vestris justis postulationibus grato concurrentes assensu, personas vestras et Monasterium de Bello loco, in quo divino vacatis obsequio, cum omni-

* There are only three places where they can be, if they were in the custody of Hugh, titular Lord Lovat, in 1729: (1.) In the custody of his personal representatives, or their law agents; (2.) In the custody of the Crown; (3.) In the custody of Mr Fraser of Abertarff. There appears no probability of their being in Lord Lovat's possession.

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bus bonis, quæ impræsentiarum rationabiliter possidet, aut in futurum justis modis possidere vel adipisci poterit præstante Domino, sub Beati Petri et nostri protectione suscipimus; Specialiter autem de Sitheney et de Karcurri possessiones, et de forne piscaria, quas nobilis vir Johannes Biseth ad ipsum spectantes vobis contulit, intuitu pietatis, sicut in litteris inde confectis plenius dicitur contineri, nec non terras, possessiones, et alia bona vestra, sicut ea omnia juste et pacifice possidetis, vobis et eidem Monasterio per vos auctoritate Apostolica confirmamus, et præsentis Scripti patrocinio communimus. Nulli ergo omnino hominum liceat hanc paginam nostræ protectionis et confirmationis, vel ei ausu temerario contraire. Si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei, et Beatorum Petri et Pauli Apostolorum, ejus, si noverit incursurum. Datum Laterani. . . . Nonas. . . . Pontificatus nostri Anno D. . . ."

"Not.—The tag yellow silk: no seal."

This document is a Bull of Pope Gregory addressed to the prior and brethren of Beauly. It takes their persons and monastery of Beauly (*de Bello Loco*) under the protection of the blessed Peter and of himself, particularly the possessions of SITHENEY, and of KARCURRI, and the FISHINGS OF FORNE, which a noble man, JOHN BYSET, had given them.

Gregory IX. was Pope from 1227 to 1241. The reference to John Byset shows that the Bull was granted by Gregory IX.

The transcript has only these words of the final part,—"... Nonas. ... Pontificatus nostri Anno D. .. ;" but as Spottiswoode, who must have seen the originals from which these transcripts are made, speaking of John Byset's foundation, says his charter is confirmed by Pope Gregory, "3tio: Non. Julii, pontificatus anno 4to," we may fairly assume that the lacuna after "anno" should be filled up by "quarto," and that the Bull was dated the fourth year of Pope Gregory IX., or 1231.

We here first meet with the name of the House, Bellus Locus, Beau Lieu, the Beautiful Place. This was a not infrequent title for monasteries in France and England. There was in France a monastery of Beaulieu at Langres; while

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King John distinguished his splendid abbey of Beaulieu in the New Forest by styling it Bellus Locus Regis, or King's Beaulieu.*

A writer who is anxious to vindicate the high claims of the Gaelic language says, the low country etymologists, because they are ignorant of Gaelic, seek in French the derivation of a native name, and grace the Celtic "Beula" with the transmigration of the French "Beau-lieu." He proceeds: "The name, however, is simple Gaelic. 'Béul-àlh,' the *mouth*, of the *ford*, from 'Béul,' a mouth, or deboucheur, and 'àlh,' pronounced 'à,' *a ford*. Like all other native designations, it is expressive of a local distinction; for the Priory and the town are situated upon the *mouth* of the river, and opposite to the most important *ford* upon the lower Glass, and which in old times was the principal passage into Ross." †

A little historical inquiry would have led to a different conclusion, and if the name had a Celtic origin we should expect it to be used now by the Celtic population, but it is not so. "Beauly is not the Celtic name of the place, but 'Manachain;' you never hear a Highlander asking in Gaelic 'C'ait am bheil Beauly?' If he is not acquainted with English he does not know what the term refers to. He will ask you in his own language, 'C'ait am bheil a Manachain?' this is the Gaelic for 'Where is Beauly?' 'Manach' is the Gaelic for monk, and 'manachain' is the Gaelic for priory or monastery." ‡

Of course it is possible that the special name of the place may, though Celtic in origin, have been lost in the more generic title taken from the peculiar purpose to which it was dedicated, and, after all, the Bull of Pope Gregory is the best

* Beaulieu, in Hampshire, is pronounced as Beauly in Inverness-shire is—the *Beau* like the same syllable in Beauty, and the *lieu*, "ly." Macaulay's trumpet-stirring lines in the Armada (1832):

"O'er Longleat's towers, o'er Cranbourne's oaks, the fiery herald flew:
He roused the shepherds of Stonehenge, the rangers of Beaulieu,"

prove that he had then learned more by reading than by hearing.

† Provincial Geography, Lays of the Deer Forest, vol. xi., p. 503. Edin. 1848.

‡ Transactions of Gaelic Society of Inverness, vol. i., Mr A. Mackenzie on Local Topography.

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proof that the Priory was on its foundation called in French the Priory of Beaulieu.

Before examining the contents of this Bull, the earliest of the Beauly charters now printed, let us examine the account of the earliest charters given by the Wardlaw MS., which we shall afterwards more particularly describe. This account is as follows:

(1.) John Bisset by vow and promise erecting a priory of monks in Beauly, and granting a donation and mortification by charter and confirmation of the lands of Strathalvy and Achinbady or Beauly, to the monks Ordinis Vallis Caulium there. The limits of their possessions about the precinct, specified to be Onach-Tarridel to the east, and Rivulum de Breckach, westward. This charter is by the said Dom. Joan. Bisset, apud Cellam de St Durstan, die 9 mensis Julii anno Xti. 1223.*

(2.) Donation and charter of confirmation of the Half Davoch Lands of Tarridale to the monks Ordinis Vallis Caulium by Gillichrist a Rosse, granted and subscribed in burgo de Inverness, in mense Martis anno Domini 1235.†

(3.) Donation and charter of mortification of the multures of several lands within the parochin of Wardlaw and Kiltarlity, by Joannes Bisset to the monks of Beauly, such as: Loveth, Lusfinan, Finasses, Monchitech ex utraque parte rivuli, Fochines et dimidiæ davach de Beaufort et Duary, Davatus de Muy et de Bruchach et de Kenniath, etc.‡

(4.) Confirmation of all these donations by King Alexander II. to the monks of Beauly, A.D. 123 ;§ as they are set down at large by themselves.

Among the Lovat writs of 1652 we have this entry:

"Confirmation by King Alexander of the miln mutors of the

* Hutton MS., Add. MSS., B. M., 8144, p. 166; Extracts from Wardlaw MS., by the late Lewis M. Mackenzie of Findon.

† Findon Extracts, Wardlaw MS., 1225.

‡ Loveth is Lovat; Finasses, Fingask; Monchitech, Moniack Easter and Wester; Fochines, Phoineas; Beaufort et Duary, Beaufort and Downie; Muy, Moy; Bruchach, Bruiach.

§ Findon Extracts, 1231.

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Half Davach Lands of Louich and Milne of Dowatrie, dated 20th Decr and 17th year of his reign."

The seventeenth year of Alexander II. is 1231.

Possibly among "the eight and forty pieces of parchment in old character," mentioned in the Dunbar Dunbar MS. as not of any importance in the eyes of Mr Alexander Abernethie, there may have been these charters from John Byset and Gillechrist a Rosse.

But to return to the Bull of Gregory IX. It introduces us to the founder of the House of Beauly, John Byset.* The first person of the name recorded in contemporary documents in Scotland is Henry Byset, who is a witness to a charter of William the Lion before 1198.†

John Byset first appears as the Lord of the Aird in the deeds of arrangement between him and Bricius, Bishop of Moray, who died in 1221, and which are confirmed by King Alexander II. in 1221. Byset must have been the first of the family who acquired the lands of the Aird, for the king's confirmation expressly mentions that the lands had been granted to John Byset personally. When, in 1226, giving the church of Kiltarlity to the leper house of Rathven, he does so, among other objects, for the soul of William, King of Scotland; so that the grant referred to by King Alexander II. had probably been made to Byset by King William the Lion.

The Scalacronica states that William the Lion, in 1174, on his return from captivity at Falaise and in England, brought back young Englishmen of family to seek their fortunes at the Scottish court. Among these are named the Bysets [Biseys].‡ At this time Henry Byset may have come into Scotland.

From 1179 to 1187 William the Lion was engaged in put-

* The spelling is various, and was afterwards corrupted into Bisset; but we shall adopt this form of Byset, as having been used by the founder of the Priory of Beauly, and by writers of contemporary charters.

† Chart. Melrose, vol. i., p. 123.

‡ Scalacronica, Maitland Club, Edinb. 1836, p. 41.

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ting down the rebellion of Donald Bane,* who, after the Boy of Egremont's defeat, claimed to be the Celtic heir of Malcolm Canmore. William completed with the people of Moray and Ross what his brother Malcolm had begun with the people of Moray, expelling great numbers of the Celtic inhabitants, putting the land under the feudal system, and granting it out in baronies, to be held of the Crown. Among these, in the province of Moray, the barony of the Aird was probably granted to John Byset, to secure his victory over Donald Bane; and about 1187 William the Lion founded two castles in Ross, one of which was called Ethirdover. This, by the combined light thrown on it by the lease of Kilcoy,† afterwards referred to, and the grant of Andrew de Boscho (Beauly Diplomata, No. VII.), is settled to be the castle of Edirdor, or Redcastle, on the Beauly Firth. In the latter part of his reign, the king probably appointed John Byset hereditary constable of this castle, and attached to it the lands of Edirdor, and at the same time gave him the barony of the Aird and the lands of Kilravoch, for we find all these—the castle and lands of Edirdor, the barony of the Aird, and the lands of Kilravoch—were the hereditary possessions of the granddaughters of John Byset.

The name of John Byset first occurs in contemporary documents in 1204 in the Register of the Abbey of Newbattle, and as a witness to a charter of Henry de Graham.‡ As we find that the papal Bull for translating the parish church of Kirkhill was obtained in 1210, just about the time that the insurrection of the son of Donald Bane broke out in Ross-shire, and as John Byset's confirmation of this translation seems to

* It is said that Edmund, a son of Malcolm Canmore and St Margaret, joined in the conspiracy of Donald Bane against the succession of King Edgar, and when that king succeeded, Edmund seems to have adopted a course which saved his own life and preserved the honour of his family. He assumed the cowl at Montacute, the Cluniac priory, in Somersetshire. I note the fact as an illustration of the intimate connection then subsisting between England and Scotland, which is likewise shown in the history of the founder of Beauly.

† Preface to Orig. Par. Scot., p. xxi.; Book of Kilravock, p. 109.

‡ Reg. Newbattle.

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imply his having promoted it, we may not err in assuming that this grant was made by King William on the quelling of the rebellion in 1211.

John Byset's mother was alive in 1221, as in the deeds of arrangement he grants a glebe to the parish church of Kirkhill for the soul of his father, who was therefore dead, but not for the soul of his mother, who was therefore living. From the time of these deeds to 1232, we find John Byset witnessing the charters of King Alexander II. with William his brother, and with Walter Byset, who was the lord of Aboyne, in Aberdeenshire.

The Bysets in England were a family of baronial rank; they had the types and insignia of nobility; they held high office about the person of the Plantagenets; they witnessed the confirmation of Magna Charta, endowed abbeys and priories, and left that indubitable mark of their importance by the additional name which some English parishes have derived from them. Preston-Byset tells the country folks of Buckinghamshire now, as Combe-Byset informs the men of Wilts, of the days long ago, when a Byset was the lord of Preston and of Combe.* In particular, Manassar Byset, Sewer of the Household to King Henry II., founded a house of lepers at Maiden Bradley, in Wiltshire, and the successive members of his family confirmed and added to the endowment. The pious maid of honour, Margaret Byset, who, passing the night in watching and prayer, saved the life of Henry III. in 1238 at Woodstock from the hands of an assassin, had some time before added to the possessions of Maiden Bradley.

The English Bysets were a united family, each member assisting the other; and we find Manassar Byset giving the manor of East Bridgeford, Nottinghamshire, to his brother William, and this William Byset obtaining the consent of his

* There is no more certain mark of the early importance of a family than the affix of its name to that of an English parish. It is more to be relied on than the family having the same name as the parish; in the origin of surnames many families other than the owners of a village took their names from it; but no village ever took its second name from any family but that of its lords.

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son William, his brother Manassar, and his nephew Ernulph, to his grant to the priory of Thurgarton for the souls of his father and mother and wife, and of his brothers Henry and Ausold, and his nephew Henry. It seems probable that Henry Byset of 1198, the courtier of King William the Lion, was a member of the family of East Bridgeford.

We may not proceed further without referring to the MSS. which are mentioned by writers on Beauly Priory, while it is impossible to avoid saying that these MSS. are entitled to no real credit. One is a history of the family of Fraser of Lovat, intended for publication, 1749; and the other "a short chronology and genealogy of the Bissets and Frasers of Lovat,"* which, although said to be written by Mr James Fraser, minister of Wardlaw, purports only to be a transcript of the Wardlaw MS. by Robert Fraser, 1725. These two MSS. appear to have been written in the interest of Simon, Lord Lovat, who wished the history of his family coloured to suit his claims against Amelia Fraser, who, in 1702, pretending to be heiress of line of the Byset, obtained a decree of the Court of Session, for the peerage of Fraser of Lovat.

The Wardlaw MS., to which we before referred, was written by James Fraser, minister of Wardlaw from 1661 to 1709. It is probable that he had access to the Lovat Writs of 1652, and so far as he professes to copy actual charters, he may be trusted. We have not seen the MS., but have obtained extracts from it among General Hutton's MSS. in the British Museum, and also extracts made by the late Lewis M. Mackenzie, Esq. of Findon, whose loss northern archæologists have to regret. When the Wardlaw MS. passes from transcribing charters or recording the events which passed before the eyes of the writer, it is hardly to be relied on more than the MSS. of 1725 and 1749; but as the compiler died before Simon, Lord Lovat's contention arose, his story is not twisted to suit the claims of rival parties.

As a specimen of the inventive powers or credulity of the writer of the Wardlaw MS., he states that John Byset, the

* MSS., Advocates Library, Genealogical Collection, 38, 4, 8, 409-417.

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founder of Beauly Priory, was the son of Byset, a courtier of William the Lion, which Byset married Agnes, daughter of the king. This marriage is a stupid invention of the seventeenth century. The daughters of William the Lion, legitimate and illegitimate,* are perfectly well known, and duly inquired into on the claims to the crown of Scotland in 1296.

John Byset of Lovat, the founder, makes the arrangement we have alluded to with Bricius, Bishop of Moray, respecting the glebe of the parish of Kirkhill, which cannot be later than 1221. The arrangement is confirmed by King Alexander II., by a deed dated at Elgin on the 15th October 1221,† just at the time when the king had succeeded in repressing the rising of Somerled in South Argyle and North Argyle or Wester Ross. The arrangement relates to the advowsons of the churches of Conveth (Conway) and Dunballoch (Dulbalach). Shaw, in his "Province of Moray," under the head of Kirkhill, writes:‡ "This church stood formerly at Dunbalach a mile up the river, and was dedicated to St Maurice. I have seen in the hands of Mr Fraser of Dunbalach, a papal Bull, dated anno 1210, for translating the church of Mauritius from Dunbalach to Wardlaw."

The charters, of which there are two copies in the Register of Moray, in the first place mention the lands of John Byset as having been granted to him, and as having before that grant been part of the parishes of Dunballoch and Conway. John Byset releases to Bricius, Bishop of Moray, and his successors, the advowson of the church of Dunballoch, and the bishop releases to John Byset the advowson of the

* William the Lion had three legitimate daughters: (1.) Margaret, who married Hubert de Burgh, chief minister to Henry III., and left an only daughter, Magota; (2.) Isabella, married Roger Bigod, Earl of Norfolk, *ob. s. p.*; (3.) Marjory, married Gilbert the Marshal, Earl of Pembroke; she survived her husband, and died at London, 1244, *s. p.* He had four illegitimate daughters: (1.) Isabella, married in 1183 to Robert de Bruce, and in 1191, to Robert de Ross; (2.) Ada, married in 1184 to Patrick, Earl of Dunbar; (3.) Margaret, married in 1192 to Eustace de Vesci; (4.) Aufrida, married to William de Say.

† Reg. Moray. ‡ Shaw's Moray, p. 361.

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church of Conway. The bishop agrees to have the charter confirmed by the chapter of the church of Spynie; and John Byset agrees to have it confirmed by the Crown. Byset also agrees to give seven acres of ground to the church of Dunballoch, in a competent place, and near to the parish church of Dunballoch, when it shall have been translated to Fingask, to the place which is called Wardelaue (Wardlaw). It appears that the translation, which had been provisionally sanctioned by the papal Bull, had not yet been effected. It was afterwards carried out, and the site of the old church of Wardlaw is now occupied by the ruins of that church and its burying-ground.

In passing, we may remark the distinction observed in the deed between the Saxon-Scottish and the Gaelic-Scottish languages; the Gaelic is called Scots: this was the rule down to the time of the Reformation. The place was called Wardlaw by the Saxons because it was the law or hill from which ward or watch was kept, probably against a possible incursion from the Gaelic inhabitants, who called it Balblair, or the town of or overlooking the plain. Shaw states* that the parish was called Wardlaw, because the garrison of Lovat kept ward or watch on this law or hill: we find no mention of Lovat till John Byset acquired it; but being a castle or fort on the plain below, defended by water, it would be convenient for it to have a look-out above, and Byset may have established the watch-tower on the hill to communicate with the fort. As he also had the Red Castle, his positions were strong on the Firth.

Byset had, it appears by the deed, the lands of the two parishes of Dunballoch (now Kirkhill) and Conveth (now united with Kiltarlity). There were nine davochs in Kirkhill: Fyngask (Fingask), Morevayn, Lusnacorn, Monychoc and another Monychok (Easter and Wester Moniack), and three davochs of Ferge or Fere (Fearn, Fearnua). There were eleven davochs in Conveth: Gulsackyn (Guisachan), Buntach (Buntait), Herkele (Erchless), Comber (Comerkirktown), Cone-

* Shaw's Moray, p. 144.

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way, two davochs (Easter and Wester Conveth), Bruiach Muy and another Muy, Dunyn (Downie), and Fotheness (Foyness, Phoineas).

The lands of Dunballoch and Conveth had been granted by the Crown to John Byset at a yearly rent of £10. The bishop of the diocese claimed for the churches of Dunballoch and Conveth a tenth of this rent, under the grant of William the Lion, to the church of Moray, that is, claimed it against the Crown. Byset had retained the tenth out of the Crown rent, but had not paid it to the churches.

John Byset next founded the church of Kiltarlity, and gave it a parish out of the parish of Conveth, which before included all that ever belonged to Kiltarlity. The new parish of Kiltarlity included Erchless, a davoch in the earldom of Ross. A davoch was as much arable land as would employ four ploughs, and this in so hilly a country as Strathglass would carry with it probably a large district of pasture. Erchless was an important part of the new parish, and for this reason the parish may have come within the jurisdiction of the Bishop of Ross, which was co-extensive with the earldom of Ross.

John Byset, intending to make use of the church of Kiltarlity, first secured the patronage by deed from the Bishop of Ross early in 1226.* The Bishop of Ross, Robert, with the consent of the chapter of Rosemarkie and his other clergy, quit-claims to John Byset and his heirs, for their homage, his right of patronage of the church of Kiltarlity; and John Byset and his heirs quit-claimed to the bishop whatever right they had to the kirkland of the said church; and Byset, beside, for the purpose of settling the controversy, and as an atonement for his own sins, contributed 15 merks of silver to the fabric of the church of St Peter of Rosemarkie, and a stone of wax yearly from himself and his heirs to the light upon the altar of that church; and the bishop and canons gave John and his heirs an interest in the orisons which should be presented in praise of God in the church. A merk was equal to thirteen pence and one-third of a penny sterling. Farquhar,

* Reg. Moray.

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Earl of Ross, Peter Byset, Anselm Byset, and William Byset, are witnesses. John Byset and Peter Byset are witnesses to a charter by Thomas de Galloway, Earl of Atholl.*

John Byset having divided the parish of Conveth into two parishes, those of Kiltarlity and Conveth, next proceeds to appropriate the church of Kiltarlity to the House of Lepers at Rathven, Banffshire.† The parish church of Rathven was appropriated to the Bishop of Moray. He and David de Strathbolgy agreed that the minister serving in the church should have a glebe and manse; and Bishop Bricius, between 1203 and 1216, adding eight canons to the chapter, endowed the eighth canon as a prebend, with the churches of Rathven and Dipple on the Spey, and the canon had the tithes of the parish of Rathven. Notwithstanding this, the church of Rathven seems to have had a sufficiently independent existence to enable John Byset to establish a leper house in connection with it.‡ Byset, first by one deed grants for the soul of William, King of Scotland, and for the salvation of his lord, Alexander, the noble king, and for the salvation of the souls of his predecessors and successors, the right of patronage of the church of Kiltarlity to the church of St Peter of Rathven, for the maintenance of the lepers serving God there. Besides he had given to the house so much of his means that the members had promised, and by a solemn instrument obliged themselves, to keep a chaplain there, ministering in sacred things, and seven lepers, and one male domestic serving them; and it was provided that if any of the lepers should die or depart from the house, another should be presented by him or his heirs until the number was complete.§ Among the witnesses is "W., my brother."

* Reg. Dunfermline, p. 86.

† Provisions for the victims of that terrible disease are among the most frequent, as well as the most useful, institutions of that age.

‡ See lease of these tithes, by the parson of Dipple, in 1574, Shaw's Moray, App. xlv.

§ A similar provision for two almsmen in the hospital of St Leonard is provided by Robert Byset of Upsetlington in his grant to the monastery of Kelso, 1240. Walter Byset and William Byset are witnesses to this deed (Chart. Kalchow, 240).

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This charter seems to have been insufficient to appropriate the church of Kiltarlity to the House of Lepers, and on the 19th of June 1226,* John Byset grants to the church of St Peter and the House of Lepers of Rathven, and the brethren serving there, the church of Kiltarlity with its pertinents. Andrew, Bishop of Moray, at the instance of John Byset, and on his presentation, had canonically admitted William, prior of the house, in the name of his brethren, to the church, and had confirmed the said church to the House of Lepers and the brethren there, to be held for their proper use, with all appurtenances in lands, tithes, and oblations.

This benevolent foundation of John Byset survives, not indeed for lepers, but for bedesmen. The Bedehouse is still standing at the village of Rathven, and was lately repaired. Two of the six bedesmen, who are maintained in the establishment, live in the house. The appointment of the bedesmen belongs to the Earl of Fife.†

No vicarage of Kiltarlity is mentioned in the Moray Taxatio—the church itself being taxed at 111 merks.‡ It is joined with Wardlaw in being liable to a procuration fee of 40s., and paid 2s. for synodals. How the religious services of the church were provided for does not appear, but in 1563 the church of Rathven preserved its property in the parish of Kiltarlity, which is entered thus: §

"Item, the kirk of Kintallartie sett for xxiii. lib."

The Bishops of Moray did not neglect making the best use of the release of Dunballoch parish. They divided it into the parishes of Wardlaw and Fearnway; and in 1239,‖ Andrew, Bishop of Moray, grants, with other churches, the church of Fearnway, with all its pertinents, to the common use of the canons of Elgin. The bishops constituted a vicar in Dun-

* Reg. Moray.
† New Statistical Account, Banff, p. 268.
‡ Reg. Moray, pp. 362, 364, 365.
§ Antiquities of Aberdeen and Banff, vol. ii., p. 144. Spalding Club.
‖ Reg. Moray, 35.

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balloch, who appears in 1224, 1226, and 1227,* and after the division, a vicar in Wardlaw.†

Not only does William Byset, in his grant of Abertaff to Beauly (No. II.), mention "John, my brother," but to a charter of King Alexander II.,‡ John Byset is a witness, "and William, his brother;" so that we may assume that the "W., my brother," is William Byset.

The Bishop of Ross having acquired, by the arrangement with John Byset, the right to the stone of wax from the noted bees of Strathglass, proceeds to settle, in February 1227, a dispute between him and the Bishop of Moray. The Bishop of Ross had surrendered the patronage of Kiltarlity to John Byset, and the Bishop of Moray had assented to its appropriation to the church and leper house of Rathven; so that there was not left any episcopal interest in the church of Kiltarlity, but it was enough to enable the Bishop of Ross, by giving it up, to retain without question his anomalous rights over the church of Ardersier, in the province of Moray.

The controversy§ had arisen between Andrew, Bishop of Moray, on one side, and Robert, Bishop of Ross, and his chapter, on the other—the former asserting in the presence of the Pope's delegates, namely, the Abbot of Deer and the Dean and Archdeacon of Aberdeen, the right of diocesan over the churches of Kiltarlity and Ardersier, and having been put in actual possession of the churches a year before *causa rei servandæ*. The controversy was settled by the advice of the delegates, and with consent of the chapters and clergy of both dioceses, in the following manner: That the Bishops of Moray should possess the church of Kiltarlity as in diocesan right, and the Bishops of Ross should have the church of Ardersier, as to all ecclesiastical matters, as their predecessors formerly held it. Moreover, the Bishop of Moray, for himself and his successors, and with the consent of his chapter, re-

* Reg. Moray, 76, 77, 78, 82, 333.

† The Vicar of Wardlaw is charged 9s. 4d. in 1274 and 1275 (Theiner, Mon. Vet. Hib. et Scot., pp. 111, 116).

‡ Reg. Glasgow, p. 116. § Reg. Moray.

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nounced all right, if any, which he had, or might have, in the church of Ardersier, and all action and demand, solemnly promising that neither he nor his successors should afterwards claim any right in that church, or in aught belonging to it; the Bishop of Ross, for himself and his successors, and with the consent of his chapter and clergy, making a similar renunciation and promise as to the church of Kiltarlity. The Bishop of Ross, with same consent, gave to the cathedral church of Elgin, a stone of wax, to be held for confraternity and the orisons and other benefits there to be rendered; which stone of wax John Byset and his heirs will give to the cathedral church of Ross, as is testified by his charter thereupon executed. It was further settled that if either of the said churches should attempt to contravene the agreement, it should pay £100 sterling to the other, and the agreement should, notwithstanding, remain valid. The deed is dated at Kenedor, near Elgin, the vigil of the Purification (1st February), 1227. The place of date indicates that the house built by Bishop Archibald of Moray at Kenedor in 1280 was a restoration of the episcopal residence there.

In accordance with the papal Bull of 1224, the church of the Holy Trinity at Elgin was appointed the cathedral church of Moray. Andrew, the bishop, commenced the building of a cathedral, in substitution for the church of the Holy Trinity. The continuance of this great work for the next eighteen years provided a resort for architects, and hence within that period the churches of the priories of Beauly and Pluscardine were begun.

The three subjects given by John Byset to the monks are specified to be the possessions of Sitheney, of Karcurry, and the fishings of Forne.

Sitheney.—This word, probably distorted by the papal scribe, it is difficult to recognise. If it were more like Strathalvy it might be taken for that, for in the MS. of 1728,* we read: "Anno dom. 1245. By Bull from Pope Innocent IV. the Priory of Beauly was erected for the Benedictine monks,

* Adv. Lib. MSS., Genealog. Coll., 35, 4, 8, p. 411.

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Ordinis Vallis Caulium, and King Alexander II. mortified and confirmed to the monks all the lands of Strathalvy, the monastery to be erected in Insulâ de Achinbady in Strathalvy, where stood a chappel of St Michael, and John Bisset entrusted with the erection, and to take care of the edifice, which he did accordingly carry on. The Prior Pater Jacomo with six monks came to Lovat then, and the country provided for them, and the monks called that place which was formerly termed in the French *Boulu*, a fair, good place."

In the Inventory of the Lovat writs, 1652,* we get:

"Confirmation be K. Alexr. of ye lands of Sethink, daitit 20th August and 15th year of his Reign" [1230].

It may be a name for the island of Achinbady. The final *ey* of Sitheney may mean Island.

Karcurry.—We find this in *Craigscorrie* (Hawkhill), a part of the barony of Beauly. The fishings of Forne or Farrar, now Beauly, were a notable possession of the monks, and of extreme value to them, as by the rules of their order they were to abstain very much from flesh; and were neither to breed cattle or sheep, or to cultivate arable land.

The foundation charter of the Priory of Beauly, to which both Rose, in his "History of the Family of Kilravock," and Spottiswoode, in his "Religious Houses of Scotland," refer, is probably a forgery. Spottiswoode writes,† "The Priory of Beauly or Ross was founded in the year 1231 by James Bisset, a gentleman of a considerable estate in that shire." After mistaking the name and position of the Byset estates, which, except Erchless and its pertinents, lay in Moray, we cannot expect accuracy. He proceeds: "The terms of its foundation were, Ut pro ipso, dum viverent orarent monachi: post mortem funus corpusque exciperent, atque animam de corpore abeuntem per continua sacrificia et opera pietatis prosequerentur. His charter is con-

* Dunbar Dunbar MS.

† Spottiswoode's Relig. Houses, Minor Practicks, Edin. 1734.

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firmed by Pope Gregory 3tio: Non. Julii, pontificatus anno 4to." Rose has the following:* "I have heard it reported of the Right Honourable Sir George Mackenzie of Tarbat, now Lord Register, that in the foundation of the Priorie of Bewlie there is insert as witnesses Urquhart of Cromartie and Rose of Geddes; which, if so, Kilravock's predecessors have been near a whole centurie of years in this countrie before their getting of Kilravock; for, by search of historie and records, I conceive that priorie was built by Bisset of Lovat, either in the latter end of the reigne of King William or the beginning of Alexander Second betwixt the years 1200 and 1220. And if he were witnes under that title and designation at that time (though it be more than *ordinarie antiquitatis*), yet he might have so much older standing in the countrie." In connection with Agnes Urquhart, Lady Kilravock, Rose remarks:† "As to the familie of Cromartie, whereof she was descended, it was verie ancient: Sir George Mackenzie of Tarbat, now Lord Register, reporting that Urquhart of Cromartie and Rose of Geddes were witnesses in the foundation of the Priorie of Bewlie, which behooved to be betwixt the year 1200 and 1220, as farr as I can gather."

Now anything more certainly a forgery than to put an Urquhart of Cromarty as witness to a charter of 1230, cannot be conceived. William de Montealto was sheriff of Cromarty in 1263. In 1315 King Robert the Bruce granted the sheriffdom and burgh of Cromarty to Hugh, son and heir of William, Earl of Ross; and before 1349 King David II. granted, on the resignation of William, Earl of Ross, son of this Hugh (Hugh having fallen at Halidon Hill, St Margaret's Day, 22d July 1333), the sheriffdom of Cromarty to Adam Urquhart. This was the first grant of Cromarty made to the Urquharts.‡

It is perfectly clear that the foundation deed of Beauly seen by Sir George Mackenzie, first Earl of Cromarty, must have been a forgery; just such a fabrication as the grant of Kintail

* Hist. Fam. Kilravock, Spalding Club, p. 26. † *Ib.*, p. 70.
‡ Orig. Par. Scot., vol. ii., "Cromarty."

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to Colin the Irishman by King Alexander III., the earliest copy of which is said to be in the handwriting of the same Earl of Cromarty.* What was the document seen by Spottiswoode is not so clear, but it is worth while to bestow a little investigation on a matter so interesting as the foundation charter of the priory which it is our object to illustrate.

Walter Macfarlane of Macfarlane, to whose zeal for the preservation of ancient charters we owe the transcripts of the Beauly writs, was son of John Macfarlane of Macfarlane by his wife Helen, daughter of Robert, third Viscount Arbuthnot. After the death of John Macfarlane, Helen, his widow, Walter's mother, married in 1710 John Spottiswoode, advocate, who, having published a valuable work on law and taught a Scottish law class, was likely to have access to the same sources of information as the Lord Justice General, the Earl of Cromarty. John Spottiswoode died in 1728, and his edition of Hope's "Minor Practicks," printed in 1734 by his son, had appended to it his account of the Religious Houses in Scotland. It is probable, we have seen, that the Beauly charters were transcribed between 1734 and 1738, from their position among the Macfarlane transcripts. Now it is remarkable that John Spottiswoode, in his account of Beauly, mentions no document, except this foundation deed, other than those transcribed by his step-son, Macfarlane; and it seems most likely that Macfarlane had access to the so-called deed of foundation, but that he rejected it as a forgery, and would not allow his transcriber to copy it.†

Another forgery in connection with the foundation deed requires only a simple statement to secure its detection. The MS. historian of the Fraser family, in the Advocates Library,‡ whom we have already quoted as to the date of

* Orig. Par. Scot., vol. ii., p. 391.

† For the care which Walter Macfarlane took in revising and authenticating his transcripts, see instances in Robertson's Introduction to the Register of Paisley, published by the Maitland Club, p. viii., note.

‡ Adv. Lib. MSS., Genealog. Coll., 35, 4, 8, p. 411.

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foundation, adds: "I saw the originall charter given to John Bisset by Macdonald, which begins in these terms: 'Ego Donaldus Insularum Rex, &c., Dono et concesso amico nostro charissimo Johanni Bizet D° de Lovat totum et integras terras de Achterloss Idem Montessen, Eq.;' and the charter closes thus: 'Datum apud castrum nostrum de Dingwall anno a partu Virginis M.CC.XLIII v. Idis Julii anno II. Innocentii iiii. S. D. N. Pontificis optimi maximi coram consanguineis et Consiliariis nostris M'Lean de Lews et M'Leod de Harris.'" Except to show the extent of the possessions of John Byset, what object the historian of the Frasers could have in putting forward this charter, it is difficult to perceive; but Dempster, in his "Apparatus," connects Byset and Auchterless and Beauly thus:* "Bewlin in Rossia; ordinis Vallis Caulium qui ingressus Scotiam fertur anno 1230" (Scotichronicon, lib. ix., cap. xlvii.). "Hunc prioratum vero fundavit Joannes Biset, a quo nos Dempsteri habuimus Achterlos, præcipuam familiæ nostræ hac tempestate patrimoniam." The whole of the forged charter quoted in the MS. is printed in the annals of the Frasers:† "Ego Donaldus Insularum Rex tenore presentium, do dono et concedo amico nostro dignissimo Domino Johanni Bisset. D. de J. totas et integras terras de Achterlos et Mancester, cum omnibus ad eas pertinentibus tam infra quam supra terram hacce in provincia Barniæ jacentes idque sibi et suis successoribus in perpetuum chartamque hanc firmam et stabilem iis teneamur, quam nostro sigillo et chirographo confirmamus et attestamus, apud castrum nostrum de Dingwall coram consanguineis et consiliariis nostris charissimis M'Leod de Lewis et M'Leod de Harise; die decimo nono Idus Jan anno a Christo nato MCCXXV anno pontificatus. S. D. N. Gregorii ix. P. O. N. primo Pontificis optimi maximi. S. M. P."

The nineteenth day before the Ides!—But we have dwelt too long on this rubbish.

* Dempster's App. De Religione, cap. 19, lxxx. In fact, the name of Dempster does not appear on record till 1296.

† Annals of the Frasers, 1795, p. 24.

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No. II.

CARTA WILLIELMI BYSETH DE ECCLESIA DE ABERTERTH FACTA FRATRIBUS DE BELLO LOCO ORDINIS VALLIS CAULIUM.

Ex Autographo [1231].

"Omnibus hoc scriptum visuris vel audituris Willielmus Byseth Salutem. Sciant præsentes et futuri me dedisse, et concessisse, et hac Carta mea confirmasse pro salute animæ meæ, et animarum patris et matris meæ, et omnium antecessorum et successorum meorum Ecclesiam de Aberterth Deo et Beatæ Mariæ, et B° Johanni Baptistæ et Domui de Bello loco et Fratribus Vallis caulium in eadem Deo servientibus et servituris in liberam puram et perpetuam Eleemosynam, cum omnibus ad eandem Ecclesiam juste pertinentibus, in terris, decimis, oblationibus, obventionibus et omnimodis Ecclesiasticis rectitudinibus. Testibus Andrea Moraviensi Episcopo, Duncano Decano, Ranulfo Archidiacono Moraviensi, Radulpho Capellano Episcopi prædicti, Johanne Bridin Capellanis, Domino Johanne fratre meo, Bartholomæo Flandrensi, Hugone Corbet, Gillandes Macysac, Hugone Augustini, Godefrido Arbalaster, Henrico Cuch, Yone Venatore et pluribus alijs."

"Not.—The seal white wax, on a shield plain a bend; no crown, the circumference not legible."

The preceding charter is a grant by William Byset, his brother John and the officials of the church of Moray being witnesses, of the church of Abertarf (Aberterth) to God, and the blessed Mary, and the blessed John Baptist, and the House of Beauly, and the Valliscaulian brethren there serving God, in pure and perpetual frankalmoigne, with all the pertinents of the same church, in lands, tithes, oblations, obventions, and all kind of ecclesiastical rights. Among the witnesses are Bartholomew the Fleming, who witnesses a charter of King Alexander II. in 1235, and the Bishop, Dean, and Archdeacon of Moray; notwithstanding which we get subsequently a confirmation of the grant by the bishop.

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The seal has the arms of Byset, "on a shield plain; a bend." The transcriber adds, "no crown;" the opinion then prevailing that the crowns quartered in the Fraser of Lovat coat were the arms of Byset: whereas they are the arms of Grant. This simple ordinary shows the antiquity of the Byset achievement. The same coat is given by Sir David Lyndsay, in 1542, with the tinctures, the field *azure*, and the bend *argent*, as the arms of—

"Lord Bissart of Bewfort of auld."

These coats are identical, the tinctures are not blazoned in engraving till a much later date, and this coat is the arms of the founder of Beauly Priory.*

The parish of Abertarff is first mentioned in the foundation deed of the College of Canons, by Bricius, Bishop of Moray, between 1203 and 1216; to this Gillebred Persona de Abertarff is a witness.† The next time it is mentioned is in an agreement between Thomas de Thyrlestan and Andreas, Bishop of Moray, in 1225.‡ This agreement mentions the tithes of the royal *Càn*, which tithes were wont to be paid before the infeftment of Thomas, out of the land of Abertarff. This reference to the tithes payable out of what was coming to the Crown, is the same we have before observed in the agreements of John Byset with relation to Kirkhill; and it shows that William the Lion had granted to the church a tenth of the rent in kind, which was paid to the Crown by the owners of land in Moray, as well as a tenth of the money rent which was so payable.§

Thomas de Thyrlstan was the proprietor of Thirlstane, in Berwickshire; and it is said, as we have before mentioned, ‖ that Gillespie in 1228 raised an insurrection in Moray, burnt

* Sir David Lyndsay's Heraldry, Edin. 1822.

† Reg. Moray.

‡ Reg. Moray.

§ King William, by a precept in the Register of Moray (p 2), 1171-84, directs his bailiffs of Moray to pay to the church of Moray and the bishop there the tithes of all his rents in Moray and of his rents in kind, which had not been granted to other churches by himself or his ancestors.

‖ Bower's Interpolation to Fordun.

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some wooden castles, and surprised and slew a baron called Thomas de Thirlstan, to whom Malcolm IV. had given the district of Abertarff. This must be the same Thomas de Thirlstan. He was succeeded at Thirlstan by Richard Maitland, who is said to have married his daughter, and about 1260 gives lands in the territory of Thirlstane to the monks of Dryburgh, excepting the third part to the Lady Agnes, formerly the wife of Thomas de Thirlstan, for her life.*

This charter of William Byset, from a witness being Duncan, the dean of Moray, is probably of the date 1231, as in 1232 Symon became dean of Moray, and continued dean until he succeeded to the bishopric in 1242; and in 1228 Freskin was dean of Moray.

We find among the suggestive and ill-understood list of the charters in the Treasury at Edinburgh, made up in 1282,† the following items relating to this subject, although others intervene:

"Item. Carta de Abirtarf. . . .

"It. Carta Thome de Thirliston.

"It. Littera quiete clamationis Ricardi Mauteland de trā de Abyrtharf.

"It. Carta Walteri Byset de Stratharkik.

"It. Carta de Obeyn."

Walter Byset, Lord of Obeyn (Aboyne), according to the Chronicle of Melrose, was uncle of John Byset, and therefore of William Byset, John's brother; and the charter of Walter Byset of Stratherrick means, according to the usual form of entries in these early lists, not a charter from Walter Byset of the lands of Stratherrick, but a charter belonging to Walter Byset by which he holds the lands of Stratherrick. Whether Stratherrick then included Abertarff or not is uncertain; afterwards Stratherrick was styled a pertinent of the barony of Abertarff;‡ but the present charter and these

* Thomas de Thirlstan had, by charter without date, granted the tithes of his mill of Thirlstane to the canons of Dryburgh (Reg. de Driburg, p. 87).

† Act. Parl. Scot., vol. i. Robertson's Index, preface, p. xxiv.

‡ Memoir for Hugh, Lord Lovat, p. 22.

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entries prove that Walter Byset was about this time the proprietor of Stratherrick, and William Byset patron of the church of Abertarff.

In the grant of the church of Kiltarlity to the Leper House at Rathven, at the end of the list of witnesses, appears * "W. Byset gyntallarty;" † and it is suggested William Byset was parson of Kiltarlity, the parish created by his brother John, and the grant of which to Rathven he witnesses.

This is not probable, nor is there any occasion on which his name appears as an ecclesiastic. It was an unusual circumstance then for a churchman to be himself the patron in his lay right of a parish and also the incumbent; and the form of grant of Abertarff clearly shows William Byset to have been the patron. The Bishop of Moray, in confirming his grant, styles him "nobilis vir." He with his brother John is a witness to a charter of King Alexander II. in 1225, while Abertarff was the property of Thomas de Thirlstan, and he and Walter Byset are witnesses in 1225 to another charter of King Alexander II. William is a witness to several royal charters; and the last occasion on which he appears is together with Walter Byset as witness to the grant by Robert Byset, Lord of Upsetlington, with the assent of Christiana, wife of Robert (whose consent implies that Upsetlington was her property) of the Hospital of St Leonard of Upsetlington to the monastery of Kelso.‡ This Robert is expressly called by Walter Byset of Aboyne, in Walter's obligation, to respect the rights of "Robert my cousin."§

We have thus the family of Byset in the year 1240 possessing the estates following: Walter is lord of Aboyne, and resided at Aboyne Castle, Aberdeenshire; his nephew, John, is lord of the Aird, and resided at either Lovat or Beaufort, Inverness-shire; another nephew, William, is patron of the church, and probable owner of the estate of Abertarff, in the same county; and Robert Byset, cousin of Walter Byset, is the lord of Upsetlington, in Berwickshire.

* O. S. P., vol. ii., p. 509.
† Reg. Moray, 72.
‡ Reg. de Kelso, p. 195.
§ *Ib.*, p. 191.

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In the witnessing part of the charter John Byset our founder is called "Domino Johanne fratre meo;" but it does not appear from any record that he was one of the barons of the kingdom. Before the Act 1427 no general rule can be laid down for distinguishing between one holder of a property directly from the Crown and another, and the expressions "nobilis vir" and "dominus," in the charters of subjects, at all events go for nothing in establishing any parliamentary dignity; the premier baron of Scotland claims no higher creation than 1436.

No. III.

CARTA ANDREÆ MORAVIENSIS EPISCOPI DE DECIMIS GARBARUM ET SALMONUM PAROCHIÆ DE ABERTARFF.

"Universis Sanctæ Matris Ecclesiæ filijs hoc scriptum visuris vel audituris, Andreas divinâ permissione Moraviensis Episcopus æternam in Domino Salutem. Noveritis universi, nos de consensu Capituli nostri dedisse, concessisse, et hac cartâ nostrâ confirmasse Deo et Beatæ Mariæ, et Beato Johanni Baptistæ, et Domui Belli loci juxta Beaufort, et fratribus ordinis Vallis Caulium ibidem Deo servientibus et servituris in perpetuum, omnes Decimas Garbarum provenientium infra Parochiam Ecclesiæ de Abertarf cum terrâ pertinente ad eandem Ecclesiam, et cum Decimâ Salmonum de omnibus piscarijs in prædictæ Ecclesiæ parochiâ existentibus, nomine simplicis Beneficii. Quam Ecclesiam nobilis vir Willielmus Byseth eisdem fratribus et sibi successuris dedit, et concessit, et cartâ suâ confirmavit, in puram et perpetuam Eleemosynam. Quare volumus et concedimus, quod prædicta domus de Bello loco, et fratres prædicti dictas decimas omnes Garbarum infra parochiam præfatæ Ecclesiæ provenientes, cum totâ terrâ ad eandem Ecclesiam pertinente, et cum Decima Salmonum de prædictis Piscarijs omnibus, in ipsa Parochia existentibus, habeant et possideant nomine simplicis beneficij, in puram et perpetuam Eleemosynam ad sustentationem eorum adeo libere, quiete, plenarie, et honorifice, sicut aliquod simplex beneficium in Diocœsi

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nostrâ, ab aliquo liberius, quietius, plenarius, et honorificentius habetur, tenetur, et possidetur. In hujus autem rei firmum et indubitabile testimonium huic Scripto appensum est Sigillum nostrum et Sigillum capituli nostri Subscriptionibus Canonicorum. Testibus Symone Decano Majore Magistro Ricardo Præcentore, Magistro Henrico Cancellario, Roberto Thesaurario, Magistris Willielmo et Andrea Canonicis Ecclesiæ Moraviensis Radulpho et Symone Capellanis Moraviensibus et alijs multis.

✠ Ego, ANDREAS, Episcopus Moraviensis, Com. de Fotherum, Subscribo.
✠ Ego, ARCHEBALDUS, Canonicus de Crom., Subscribo.
✠ Ego, RAN., Archidiaconus Moraviensis, Subscribo.
✠ Ego, PETRUS, Canonicus Moraviensis, Subscribo.
✠ Ego, RAD. HAY, Canonicus de . . . Subscribo.
✠ Ego, WILLIELMUS, Canonicus de Pett, Subscribo.
✠ Ego, SYMON, Decanus Moraviensis Ecclesiæ, Subscribo.
✠ Ego, RICARD., Præcento Ecclesiæ Moraviensis, Subscribo.
✠ Ego, HENRICUS, Cancellarius Moraviensis, Subscribo.
✠ Ego, ROBERTUS, Thesaurarius Moraviensis, Subscribo.
✠ Ego, ROBERTUS, Canonicus de Duppel, Subscribo.
✠ Ego, ANDREAS, Canonicus de Simm., Subscribo.
✠ Ego, WILLIELMUS, Canonicus de Dunbanne, Subscribo.
✠ Ego, LAMBERTUS, Moraviensis Ecclesiæ Subcentor, Subscribo.
✠ Ego, EDWARDUS, Canonicus de Muy, Subscribo."

This instrument is the confirmation in 1242 by Andrew, Bishop of Moray (within whose diocese or province the parish of Abertarff lay), of the grant of it by William Byset.

This confirmation had the effect of wholly appropriating the church of Abertarff and its possessions to the use of the priory; making the convent the perpetual rector, and not merely the patron, as if the grant of the church had been to a layman; such a grant required the confirmation of the Ordinary, the Crown, and the Pope, though in these early times the confirmation of the Ordinary assumed or inferred the other two.

The expressions by which the appropriation is effected are not the usual ones, that the convent should hold the church

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"ad proprios usus," but "ad sustentationem eorum." The same expression occurs in other charters of the period;* the bishop grants the church to be held "as a simple benefice," that is, free from the cure of souls and under no obligation beyond that expressed in the grant.†

In this charter we have the first mention of Beaufort, and it is probable that John Byset, after he endowed the parish of Kiltarlity and introduced the foreign appellation of Beaulieu as the name of the priory which he founded, built the castle of Beaufort, and gave it a foreign name. Sir David Lyndsay speaks of the Bissarts of Beaufort, and we may assume that John Byset made this a place of residence instead of Lovat, while it evidently became of great consequence when it was inhabited by his descendants the Fentons of Beaufort. It must not, however, be thought that the castles of the time of Alexander II. in Scotland, or Henry III. in England, were anything in size, strength, or importance, like the Edwardian castles of Henry's son. In Henry III.'s time, in England there were 1153 castles,‡ and many of these had nothing but the great hall§ built of stone; all the other buildings were of wood, surrounded by a wall, which would be quite a sufficient defence against all attacks except by a military force.

The confirmation expressly includes the tithes of grain (*Garbarum*, sheaves) grown in the parish of Abertarff, showing that the principle of tithes belonging to the parish priest was completely established; and also the tithes of salmon in all the fishings within the parish, showing that salmon were then frequent in the waters of Abertarff parish; that must have been, as Abertarff is at the upper end of Loch Ness, mostly

* Chart. Dunfermline, fol. 23.

† "The canonists divided benefices into simple and mixed. The first sort lays no obligation but to read prayers, sing, etc.; such kind of beneficiaries are canons, chaplains, chanters. The second is charged with the cure of souls, the guidance and direction of consciences, etc., such as rectories, vicarages, etc." (Hook's Church Dictionary, art. "Benefices").

‡ Coke, Second Institute, cap. 17.

§ Hudson Turner, Domestic Architecture of England, vol. i., p. 59.

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in Loch Ness itself. The Statistical Account of 1842 says that some years before salmon was plentiful in Loch Ness, but that since the Caledonian Canal has been opened, they have very much decreased.

The practice seems not yet to have got into use of giving the tithe of fish to the vicar, or if this tithe was usually assigned to the vicar, the priory seems to have determined to reserve the tithe of salmon to themselves, as they get the bishop to specify this as well as the great tithe or tithes of corn. When the vicar of Abertarff was first established is not clear; the provision for a toft and croft, secured by the bishop in 1225 from Thomas de Thirlstane,* was for the rector.

This act of confirmation by the bishop of the diocese was a very important step, as it deprived the minister of the parish of the tithes of the parish, and was derogatory of the rights of the parishioners; and the solemnities which accompany it are remarkable, and show that the bishop acted with the consent of his proper council, the chapter of the cathedral, although no property or rights of the cathedral were affected. Neither bishop nor chapter had any rights of property in the tithes and lands then belonging to the church of Abertarff. The confirmation is first said to be made with the consent of the chapter, and the seal of the chapter, as well as of the bishop, is annexed to it, with the signatures of the canons.

The chapter had been fully organised by Bishop Bricius. It had its five dignitaries: the dean, who in the bishop's absence presided over the chapter, and was the general president of the whole institution; the archdeacon, who was the *alter Episcopi oculus*, visited the diocese, and examined and presented to the bishop for approval the candidates for orders; the precentor, who had control of the cathedral services, and especially of those choral services which make up the full pomp and swell of the liturgies of a cathedral church; the chancellor, who probably acted as the chancellor of the diocese, the proper judge of the bishop's court, but was, as a member of the chapter, chancellor of the cathedral, whose

* Reg. Moray.

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office was to instruct the younger canons, and who was the secretary of the chapter, and the keeper of the chapter seal; and the treasurer, who had the special charge of the ornaments of the church. These dignitaries all consent. The bishop himself consents in his double capacity as canon of Fotheross, which, although assigned by Bricius to the chancellor, the bishop now held. The sub-chanter also joins, whose office it was to fill the important place of the precentor in his absence, so that the daily service of the choir might not be neglected. Besides the dignitaries, eight of the ordinary canons sign, some with the special addition of the parish, which had been appropriated as the prebend of their canonry, and some with the mere addition of canon of Moray.

Many of the instruments of Bishop Andrew, in the Register of Moray, are subscribed by the members of the chapter, and from a careful examination I am inclined to fix the date of this deed as 1242. Two chaplains of Moray ("Capellani Moravienses") are witnesses, but they do not subscribe as members of the chapter, and answer, I suspect, to the position of minor canons in our English cathedrals.

He who wishes to understand the constitution of the chapter of Elgin has only to pass from the ruins of its cathedral, with its ancient register in hand, to the cathedral city of Wells, to find the institutions of a chapter organised at the same time as that of Elgin, still kept up, with the exception that in the diocese of Wells, as afterwards in the province of Moray, the bishop has emancipated himself from the wholesome control of his capitular council.*

Symon, dean of the cathedral church, styles himself "Decanus Major," the greater dean, to distinguish himself from the deans of the four deaneries into which the diocese was divided, being the deanery of Elgin, the deanery of Inverness, the deanery of Strathbogy, and the deanery of Strathspey. These deans were called "Decani Christianitatis," or Deans Christian, and ecclesiastical courts were commonly called, and indeed are now in England called, Courts Christian. These

* Freeman's Lectures on Wells, and Proceedings of Somerset Archæolog. Soc. 1873.

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Deans Christian were so called, says Bishop Kennet,* "because their chapters were courts of Christianity or ecclesiastical judicature, wherein they censured their offending brethren, and maintained the discipline of the Church within their own precincts." They afterwards were called rural deans,† but it is likely that at first the dean of the cathedral of Elgin was also the dean of the rural deanery of Elgin.

Before the date of our next charter, an important event occurred, which has strangely coloured the history of the family of Byset. It is the banishment of John Byset, the founder of Beauly Priory, with his uncle Walter, Lord of Aboyne. In 1242, Patrick, Earl of Athol, son of Thomas de Galloway, and nephew of Walter Byset's wife, was burnt after a tournament at Haddington.

Matthew Paris, writing about 1250, states that in 1242 Walter Byset at the tournament was worsted by the young Earl of Athol, and that Walter Byset contrived to burn the house in which the earl slept, and the earl with it. When this came, he adds, to the knowledge of Earl Patrick and other nobles, they attacked Walter, who fled for protection to the king. The king promised the nobles that Walter should be disinherited, and should abjure Scotland. Walter swore to proceed to the Holy Land, but went instead to the King of England, and, complaining that he had been unjustly deprived of his inheritance, urged that the King of Scotland, being the liege vassal of the King of England, could not, without his consent, disinherit or banish a nobleman from his country for ever, especially if he was not convicted of a crime. The King of England was incensed, but reserved his anger till a more suitable opportunity.

The Chronicle of Melrose, written not later than 1270, states that in 1242, John Byset, with Walter‡ Byset and other

* Kennet's Parochial Antiquities, 234.

† "Decanus ruralis" is the title of Adam Gobinot in the Inquisition touching the chapel of Kilravock, A.D. 1343 (Family of Kilravock, p. 117).

‡ Mr Stevenson, in his edition of the Chronicle for the Bannatyne Club, inserts *dicti Willielmi;* but I have been informed since writing the text, that in the MS. from which the Bannatyne edition is printed it is "W.," that is, Walteri.

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accomplices, was outlawed, because report asserted that the said John, with the advice of the said Walter, had delivered Patrick of Athol to death. It also records that in 1244, the most wicked traitor,* Walter Byset, with his accomplices, desisted not from pouring the poison of discord into the ears of Henry, King of England, until he advanced to Newcastle with an army against the King of Scotland, when the treaty of Ponteland was made, 24th August 1244.

Now, upon this subject, Fordun is often quoted, but Fordun's Scotichronicon contains nothing about it. Fordun mentions the treaty made at Ponteland, and the account that is quoted as Fordun's is that of his commentator, Bower, who did not write till 1441. About that time Wynton compiled his Chronicle. He states that William Byset was Lord of Aboyne, and that John Byset and Walter Byset were his brothers; whereas William Byset does not appear in contemporary documents after 1240, and we know that Walter Byset was the Lord of Aboyne.

Matthew Paris, in his English History, which is a repetition of the Chronicle in which this story of Walter Byset appears, does not repeat it; but still there it is, apparently in his original manuscript, written within six or seven years of the event.

The histories of Bower and Wynton allege that the estates of the Bysets were all forfeited, and the whole family banished the kingdom, and this has been improved upon by later Scottish historians, till Mr Burton disposes of the matter thus: "A strong feeling set against the Bysets. Their estates had to be forfeited, and the head of the house escaped alive with great difficulty. The family afterwards pushed their fortunes, with the other Norman houses in Ireland, and their Highland

* This expression, "nefandissimus proditor," is used by John of Peterborough, and the use of it serves to show that John wrote after the Chronicle of Melrose was compiled, and clears up the question as to whether this John was John de Caleto, who was abbot 1250-62, or John Deeping, who was abbot in 1410-39 —"a mystery," Sir Thomas Hardy writes, "I am not able to solve" (Catalogue of MSS. for Early English History, vol. iii., p. 216); "for the Chronicle was not closed till 1270, when John de Caleto was dead."

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estates went to the Frizelles or Frasers, who founded an influence which became troublesome to the Government five hundred years afterwards."* Seeing that the Frasers did not get possession of any portion of the Bysets' Highland estates till 125 years after 1242, and then only of a third of those estates, two-thirds of which were acquired by the Fentons and the Chisholms, the former by the peaceful act of marrying a Byset lady, this is strongly expressed. The only fact certain in relation to this matter is that Patrick, Earl of Athol, was burnt in 1242, and that King Alexander II. assisted Walter and John Byset in leaving Scotland, where a strong party accused them of the murder.

Matthew Paris mentions among the anti-Byset party Patrick, Earl of Dunbar; and Bower names David de Hastings, who became Earl of Athol in right of his wife on the death of Patrick of Athol.

It is difficult to see any motive for the commission by Walter Byset of so horrible a crime. His wife was aunt of the young earl, but he was not in any way in the line of succession, while the young earl had two sisters married; nor does it appear that Walter Byset had any children by his wife: his nephew, we shall see was his heir. But it is not improbable that Walter was likely to make himself disagreeable to David de Hastings on his succession to the earldom.

Bower says that after the Provincial Council held at Perth in 1242, the king, retiring with his barons, and separating himself and them from the clergy, all the earls complained to him of the burning of the Earl of Athol.†

We get more light on the exile of John and Walter Byset from the English records. Henry III. became King of England in 1216, when he was nine years of age. His sister Joan married Alexander II. in 1221. He, in January 1236, married the daughter of the Count of Provence, and mixed himself much in French affairs. Claiming the recovery of

* Burton's History of Scotland, vol. ii., p. 89.

† Ford. Scotichron., ed. Goodall, lib. ix., cap. 59.

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Normandy, he declared war against Louis IX. in 1242, and that year went to France and passed the winter at Bordeaux. There, in December 1242, he was in want of soldiers, and must have heard with pleasure of the banishment from Scotland of John and Walter Byset. With his queen was Margaret Byset, now advanced in years, and who had lost this year her cousin, John Byset of Wiltshire, Chief Forester of England. In 1224 and 1226, after the connection between the Scottish and English courts was established, and while Hubert de Burgh, brother-in-law of Alexander II., was still the supreme minister of Henry, the Close Rolls tell us that gifts were made from the Royal Treasury to Walter Byset, so that Walter was well known to the English king.

John Byset went, in 1242, from Scotland to Ireland, and there met with Sir James de Savill, a knight in the service of the Justiciary of Ireland, who suggested to John that he should serve the King of England in his wars in Guienne, upon the terms that he should obtain the grant of a knight's fee in Ireland. To this Byset agreed, and the king, on 17th December 1242, at Bordeaux, confirmed it by directing a writ* to the Justiciary of Ireland, ordering him to give a knight's fee to Byset if he would go to parts beyond the sea in the royal service.

This was done, and we have the extent of the knight's fee, shown by a verdict of a jury in the following reign. It included the island of Rachrin or Rathlin, on the coast of Antrim, destined afterwards to become famous as the retreat of Robert the Bruce, and from being illustrated by the poetry of Scott. I suppose John went to Bordeaux, where Margaret Byset died that winter, and where the king remained.

In August 1243,† King Henry granted to Walter Byset the manor of Lowdham, in Nottinghamshire, adjoining the manor of East Bridgeford, the property of the English Bysets. The object of the grant was to maintain Walter in the service of the king as long as the king pleased. In the following year, Henry, having returned from France, declared war

* Pat. and Chart., 27 Hen. III., p. 739. † *Ib.*, In. 4.

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against Scotland, and advanced in the summer with an army to Newcastle. The Chronicle of Melrose informs us this was at the instigation of Walter Byset, who, probably, as well as John, accompanied the king.

The leading families of the two nations were so connected by marriage and blood, that it was not difficult for those who loved peace to arrange the treaty which was made at Ponteland in 1244; and not only was it confirmed by the King of Scotland's charter (which is printed in Rymer), but also by the Pope's Bull, obtained on a letter from the earls and barons of Scotland.* This letter is given by Matthew Paris (1244); it has, after the great earls of Scotland, the names of Duncan of Argyle, the founder of Ardchattan, and of John Byset the younger.

It would seem, therefore, that John Byset, founder of Beauly Priory, on his being compelled to foreign exile, made over his barony of the Aird, with his other estates adjoining, to his son, John Byset the younger; and the John Byset whom we shall find acting as Lord of Lovat in 1258 was this John Byset the younger. John Byset the elder, with Walter, returned to Ireland, and came from Ireland in October 1244, to the king in Wales; and afterwards Walter Byset received two of the king's shields from Windsor Castle armoury, to go into the king's service in Ireland.

It is said by Bower,† that Alan, illegitimate son of Thomas of Galloway, and the natural half-brother of Patrick, the earl who was burnt, landed and burnt a certain small house belonging to John Byset, called Viteris, to revenge his brother's death. It is certain that in 1252, this Alan obtained pardon from King Henry of his offence in having killed a follower of John Byset in Ireland, in a conflict which took place between him and John Byset.‡

Walter Byset obtained, in December 1246, a grant§ from Henry III. of Lowdham, to himself and his heirs, until Walter or his heirs should recover his lands in Scotland. The adjoin-

* Fœdera, vol. i.
† Bower, Continuation of Fordun, b. ix., c. 62.
‡ Patent Rolls, 36 Hen. III., m. 12.
§ Chart. 31 Hen. III., m. 13.

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ing manor of East Bridgeford seems at this time to have been held by William de Grant, who had married Alfreda Byset, one of the heiresses of Henry Byset.* Walter Byset returned to Scotland, and witnesses a grant of King Alexander II. in 1248,† and a deed by Gregory de Melville in 1251;‡ in 1252 he died in the island of Arran,§ leaving Thomas, his nephew, his heir,‖ who was, in 1256, a knight,¶ and may have been the son of William Byset.

We shall see that practically no forfeiture of any of the Byset estates took place—Aboyne was restored, of the Aird and Upsetlington they had never been deprived, and though the remarkable family group of Bysets which surrounded Alexander II. does not seem to have reappeared, yet we shall see that the truth lies with Mr Chalmers, in his "Caledonia,"** who says that, notwithstanding the check occasioned by the accusation against John and Walter, the Bysets still continued a family of importance.

No. IV.

CARTA LAURENTII MILITIS, FILIJ PATRICIJ JANITORIS DE INNERNES PRIORI DE BELLO LOCO.

Ex Autographo [1255].

"Omnibus has litteras visuris vel audituris Laurentius miles filius Patricij Janitoris de Innernes, salutem. Noveritis me quietum clamasse de me et heretibus meis in perpetuum pro salute animæ meæ et antecessorum meorum totvm jus quod habui vel habere potui in Bromihalu, et in Insula, Deo et Beatæ Mariæ et Sancto Johanni Baptistæ de Bello loco, et Priori et Monachis ibidem Deo servientibus et servituris.

* Thoroton's Nottinghamshire.

† Chart. Dunfermline, p. 44. ‡ *Ib.*, p. 93.

§ The Inquisition says Arran in Scotland, but, in fact, until 1266, Arran belonged to the King of Norway, and was held under him, in 1250, by Reginald, son of Somerled, which Reginald then called himself King of the Isles.

‖ Coll. Genealog. Inq. post mort, 36 Hen. III.

¶ Reg. Arb., p. 228. ** Vol. ii.

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Ita quod de cætero nec ego nec hæredes mei aliquod jus vel clamium in dictis terris vindicare possimus. In cujus rei testimonium huic scripto Sigillum meum apposui his testibus, Magistro R. de Eginton Præcentore Rossensi, Domino R. Cancellario Rossensi, Domino Johanne Vicario de Innernis, Domino Willielmo Roher, David de Giulan, Gilberto Senescallo, et alijs. Datum apud Rosmari die Jovis proxima post festum Exaltationis Sanctæ Crucis—Anno Gratiæ millesimo ducentesimo quinquagesimo quinto."

By this charter, Laurentius, knight, son of Patrick, the Porter of Inverness, in the year 1255, releases all right he had in Bromihalu and the island to God and the Blessed Mary, and the Blessed John Baptist of Beauly, and to the prior and monks serving and to serve God there.

Inverness was at this time a king's castle, and the Porter of the Castle, the Portman or Durward, was one of its most important officials. He had attached to his office, lands and privileges; and it was, in the case of a royal castle, an hereditary office, which might be possessed by females. The portership of the castle of Montrose was hereditary.

To the charter of John Byset to the Bishop of Ross, 1225, Patrick the porter is a witness.

What Bromihalu means I am unable to say; but the suggestion of the editor of the "Origines Parochiales Scotiæ," that "Insula" means the island of Aigas, in Strathglass, is inadmissible. Strathglass and Skye were given to Hugh, son and heir of William, Earl of Ross, by King Robert Bruce.* Hugh de Ross had married Mauld, the king's sister, between 1308 and 1309, and succeeded his father, William, Earl of Ross, in 1323; William dying at Delny that year. This Hugh, Earl of Ross, was killed at Halidon Hill on St Magdalene's Day, 1333, having apparently that same year granted to his second son, Hugh Ross, the lands of Philorth, in Aberdeenshire, and the lands of Balnagoun, in Kilmuir, Rossshire.† Between 1362 and 1372, Hugh, Lord of Philorth and Balnagoun, acquired, by exchange for lands in Buchan with

* Rob. Index, p. 2, Nos. 56, 60; p. 16, No. 7. Reg. Moray, p. 342.
† O. S. P. Ross, vol. ii., p. 461.

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his brother William, Earl of Ross, the lands of Ergyle, which means of North Argyle or Wester Ross and Strathglass, with the castle of Ellandonan.* This Hugh of Ross died without issue, and William, Earl of Ross, his brother, reacquired his lands; on William's death, Philorth and Strathglass went with his second daughter, Johanna, to a Fraser, who became Lord of Philorth. When, in 1423, William Forbes of Kinaldie married Agnes, daughter of Fraser of Philorth, the barony of Pitsligo was granted to Agnes and her heirs, and with this was granted Strathglass. In 1455 the barony of Pitsligo included Strathglass; of Strathglass Isobell Wemyss, Lady of Pitsligo, released her terce to her son, John Forbes of Pitsligo, in 1524; and he, in 1536, sold the lands of Easter and Wester Aigas, with the island of Aigas, to Hugh Fraser, Lord Lovat, so that Aigas was never a part of the possessions of the Priory of Beauly.

The *Island* is doubtless that island of Achinbady, spoken of by the writer in the MS. of 1728, which we have already quoted as stating that the monastery was erected in the island of Achinbady. There is not now, and there does not seem ever to have been, an island, in the modern sense of the term, at Beauly. But the word island is often in early times used to denote what we now call a peninsula—a tract of land almost surrounded by water; thus the Isle of Ely and Isle of Thanet, in the east of England, are not, and never were, islands; nor is the Black Isle in Ross-shire—they are all peninsulas. The fourth side of these islands, which fourth side is now firm land, may have been in early times a marsh, thus giving the peninsula in effect the character of an island.

At the time of building Beauly Priory, the land on which it stands had the river on its south side, two small streams on the east and west, and land which was probably bog or marsh on the north. It may be traced by a careful examination of the environs of the Priory; the surrounding water made the island a place capable of being easily strengthened against a raid of the neighbours. The castle of Lovat was built in

). S. P. Ross, p. 391.

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a low situation, where a moat could easily be made; and in selecting this island-spot for his priory, John Byset and his advisers followed the example of earlier founders of monasteries. Westminster Abbey—the most glorious foundation in England—was placed by Edward the Confessor on Thorney Island, a peninsula formed by small streams flowing into the Thames and marshes communicating with that river.

The charter of Laurence the Knight is dated at Rosemarkie, and is witnessed, first, by the precentor of Ross, and next by the chancellor of Ross. In 1255 the Pope* confirmed the arrangement of the Bishop of Ross, by which all the tithes of corn of the parishes of Kennettes and Suddy were given to the precentor or chancellor of Ross; but at the dissolution† we find these two churches belonging to the chancellor, and not the precentor of Ross. No gift of any church to the chancellor is contained in the same Bull. At the dissolution the churches of Kilchrist or Tarradale and of Kilmorack belonged to the precentor of Ross; and I suspect that before 1255, the year of this charter and Bull, the church of Kilmorack, within which parish the Priory of Beauly stands, had been appropriated to the chancellor, and was exchanged by him with the precentor of Ross.

The vicar of Inverness is also a witness to the charter of Laurence. The vicarage had been ordained only seven years before. William the Lion, making Inverness a royal burgh, assumed to be entitled to the proprietorship of the church; and about 1189 granted it, with its chapels, lands, and tithes to the monastery of St Thomas à Becket, at Arbroath. Ratified by two bishops and the chapter of Moray and the Pope,‡ the liberty given to Arbroath to appoint chaplains for Inverness seems not to have been exercised so as fully to provide for the town; and in 1248§ a vicar was appointed,

* Theiner. Mon. Hib. et Scot., p. 69.

† House of Lords Appeal Cases, vol. x., p. 637 (1814).

‡ Registrum de Aberbrothock, pp. 24, 140, 141.

§ *Ib.*, p. 190.

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who was to have a house near the church where he might fitly entertain the bishop and the abbot of Arbroath when they should visit Inverness, and this vicar was to cause the church of Inverness and its chapels to be properly served. The endowment was small for so considerable a charge, but the altarages and other fees received at the chapels for the many offices of the pre-Reformation Church rendered a small endowment sufficient for the chaplains.

Before passing to the next charter, we had better refer to a transaction in 1258 of John Byset, son of the founder —John Byset the younger of 1244. He appears to have been remiss in providing that stone of wax for the cathedral of Elgin which his father had originally agreed to give the cathedral of Ross, and which had been handed over, somewhat without reference to the giver, by the Bishop of Ross to the Bishop of Moray. The bishop also appears to have claimed not only the tithe of the can of the lands of the Aird held by John Byset—the tithe of the can of all the king's lands in Moray having been granted by William the Lion to the church of the bishop in 1171-84—but also the can itself.* The bishop also claimed a davoch of the church land of Conveth, and a davoch in Ross, called Erchless, which John Byset claimed as belonging to his fee of the Aird by hereditary right. The controversy was settled by the bishop surrendering his claims, which seem after the transactions that had taken place to have been unfounded, except the claim to the stone of wax; and taking in lieu of them a rent charge of 60 shillings, or three pounds' weight of silver, payable out of the lands of Wester Moniack.

It would seem from no mention being made of the connection of the church of Conveth with the Priory of Beauly that it had not yet been appropriated to the priory. We shall see hereafter that it was part of their possessions, and it is probable that the deed of arrangement of 1258 was made to enable John Byset the younger to give it to the priory. By 1275 it must have been appropriated, as it then had a vicar,†

* Reg. Moray, pp. 133, 134. † Theiner. Mon. Hib. et Scot., p. 111.

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the tenth of whose stipend was 9s. 4d., so that between these intervals the rectory was granted to some religious body, and probably to Beauly Priory, whose possession it afterwards was. John Byset is in this instrument of 1258 no longer called the younger as in 1244, and holds his property by descent and not, as John Byset the founder did, by grant from the Crown. John, founder of Beauly, had died in Ireland, leaving Agatha, his widow, by whom he seems to have had a second family, who formed the clan Eoin, or Bysets of the Glens of Antrim.

Among the witnesses to the instrument are Dominus Laurentius et Robertus dicti Grant; and looking at the fact that William le Grant not long before had the Byset manor of East Bridgeford by marriage with the heiress, and that this is the first mention of the name, we may suppose that the Grants were brought to Scotland from England by John and Walter Byset on their return from the exile of 1242. Another witness is Robert Byset, probably the lord of Upsetlington.

The time of the death of John Byset the son, is accurately fixed by the inquisition of a jury in Ireland in 6 Edward I. (1278), who find that he died nineteen years before that date, or in 1259, and that he had before his death given dower to the Lady Agatha, his stepmother, and left three daughters his co-heiresses,—Cecilia, the wife of William de Fenton; Elizabeth, the wife of Andrew de Boscho; and Muriel, the wife of David de Graham. They must have been all married before 1268. Being heiresses, they probably married young. Their history is detailed in the charters.

In the Chamberlain Accounts, vol. i., p. 31, which range from 1263 to 1266, the Chamberlain accounts for four merks as the tenth of the Bishop of Moray of the fine imposed on the wife of John Byset. She was probably widow of John Byset the younger.

Among the records of Scotland delivered by King Edward I. to John Baliol in 1292 was a letter of William de Fenton, Andrew de Bosco, and David de Graham, acknowledging that they had received from William Wyscard, Archdeacon of St Andrews, chancellor of the king, those charters which

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the late John Byset [filius* h . . militis junioris] had deposited in the Abbey of Jedburgh. As William Wyscard or Wishart ceased to be Archdeacon of St Andrews in 1268,† this transaction must have taken place before that year. The blank here preceding the words "militis junioris," when taken in connection with the epithet John Byset the younger, in the letter of confirmation of the Treaty of Ponteland in 1244, must be filled by the words "John Byset;" and the entry seems to establish that the deeds were deposited by John Byset, a son of John Byset the younger; that on his death in 1259 John Byset the younger must have left a son and three daughters, and that the son died without issue, leaving the daughters co-heiresses of his father and himself; so that there were three John Bysets.

If Forsyth's‡ account of the earliest writ to the family of Grant is correct, the third John Byset was witness to this writ, which was a grant to Robert le Grant about 1268 from John Prat, knight. If Chalmers § is correct, that Gregory le Grant married Mary, daughter of Byset of Lovat, she must have been the daughter of the first John Byset, founder of Beauly Priory.

Gregory le Grant was sheriff of Inverness in 1263,‖ and the Grants certainly appear about 1345 to be in possession of Stratherrick, when they succeeded the Bysets; and looking at the circumstances of their introduction into the North, it is probable they obtained the lands of Stratherrick in marriage with a Byset.

* Act. Parl. Scot., vol. i., App. 18, pref., p. 17. There is no *h* now in the original which is zincographed by H. M. Treasury.

† Crawford's Officers of State, p. 15.

‡ Forsyth's Moray, p. 20.

§ Caledonia, vol. i., p. 596.

‖ Chamberlain Accounts, vol. i., p. 21.

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No. V.

CARTA MAGISTRI HENRICI DE TOTTYNGHAM PRIORI DE BELLO LOCO.

Ex Autographo 1274.

Magister Henricus de Tottyngham erat Rector Ecclesiæ de Taruodal.

"Sciant præsentes et futuri hoc scriptum visuri vel audituri, quod cum mota esset controversia inter Priorem et Conventum Monasterii de Bello loco ex una parte, et Magistrum Henricum de Tottyngham Rectorem Ecclesiæ de Taruedal ex altera, sub omnibus querelis, petitionibus, controversijs, injurijs, et dampnis inter eos datis et habitis; tandem de consensu partium concorditer compromiserunt in venerabilem virum Archibaldum Archidiaconum Moraviensem Dei gratia tunc electum Kattanensem et Magistrum Radulphum dictum Reny Subdecanum Moraviensem, et Magistrum Thomam de Boch Canonicum ejusdem Ecclesiæ et fideliter consenserunt in eosdem fide data, in manibus prædicti Domini tunc electi, quod dictorum compromissariorum arbitrio starent de præmissis omnibus et singulis sub pœna centum Marcarum solvendarum parti nolenti a prædictorum arbitrio resilire. Ad quam pœnam si fuerint, quod absit, commissa, solvendam obligaverunt seipsos hinc inde, et omnia bona sua, mundana et Ecclesiastica, mobilia et immobilia, subjicientes se jurisdictioni Domini Archibaldi Archidiaconi Moraviensis Dei gratia tunc electi Kattanensis, quo de plano et sine strepitu judiciali per sententiam excommunicationis posset partem volentem resilire a prædicto arbitrio, compellere, sicut prædictum est, ad pænam supradictam solvendam. Renunciaverunt in super hinc inde litibus, processibus habitis et habendis, appellationibus interpositis et interponendis, coram quibuscunque Judicibus, nec non et litteris impetratis et impetrandis, super præmissis omnibus et singulis ab ordinario, seu delegatis Judicibus, seu ad ordinarios vel delegatos Judices. Renunciaverunt et privilegio cruce signatorum, et regiæ prohibitioni et constitutioni de duabus dietis, et omni Juris remedio tam Civilis quam Canonici. Tandem partibus præsentibus die Jovis infra octav. Epiphaniæ anno gratiæ Millesimo ducentesimo septuagesimo quarto

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in Ecclesia Cathedrali de Elgyn, habito prudentium virorum consilio, quorum nomina inferius sunt expressa, dicti Arbitri in hunc modum sunt Arbitrati, viz., quod partes prænominatæ, omnibus querelis, petitionibus, contraversiis, injurijs et dampnis omnibus et singulis renunciaverunt et dicti Prior et Conventus haberent libere omnes decimas totius terræ suæ pertinentes ad ecclesiam de Taruedal, usque ad terminum octo annorum plenarie completorum: termino incipienti ad Pentecosten anno gratiæ milesimo ducentesimo septuagesimo quinto: Et quod dicti Prior et Conventus recipiant annuatim suis proprijs costis et expensis infra dictos octo annos, in quolibet anno, per dimidium annum dictum Magistrum Henricum cum duobus equis et duobus garcionibus, et quod dictus Magister Henricus fidele patrocinium cum expensis eorundem præstaret et similiter serviet fideliter eisdem Priori et conventui quotiescunque servitio ipsius indiguerint, usque ad terminum octo annorum plenarie completorum. In cujus rei firmum testimonium huic scripto sigilla dictorum arbitrorum sunt apposita hijs testibus Domino Willielmo Decano Moraviensi, Domino Waltero Sureys Officiali Moraviensi, Domino Roberto vicario de Duffhus, Domino Willielmo Priore de Pluscardyn, et Domino Roberto de Bosyll commonacho suo et multis alijs."

Not.—There are three Tags appended to the charter; to the middle one only is affixed a seal.

This charter explains and illustrates the note already printed from the transcript of the Wardlaw MS.

The MS. stated that in 1235 Gillichrist a Rosse gave and confirmed the Half Davoch Lands of Tarradale to the monks of Beauly. The monks retained the lands of Tarradale, at least that portion which is now called Kilchrist, to the dissolution; this was in the parish of Tarradale, of which there seems to have been a chaplain rector in 1240.*

It appears that a controversy had arisen between the Prior of Beauly and Master Henry of Tottingham or Nottingham, rector of the church of Tarradale, respecting the lands of the priory in Tarradale, which, by the judgment of Archibald, Archdeacon of Moray, and then bishop elect of Caithness, and others, was settled in the cathedral church of Elgin on Thurs-

* Reg. Moray, p. 275.

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day within the octave of the Feast of the Epiphany 1274, as follows: that the prior and convent should have free of rent the tithes which belonged to the church of Tarradale, and which arose from their lands, and this for eight years from Whitsunday 1275; that during that time the prior would entertain at his own cost the said Master Henry, with two horses and two grooms, for the half of each year; and that during the same period Master Henry should protect and faithfully serve the prior and convent as often as required.

I suspect the name was Nottingham, and that this Henry was the Henry de Nottingham who was a canon of Caithness in 1272.* If so, he was bound to reside at Dornoch for three months in the year at least by the constitution of that cathedral;† he was also, by the ordinary law, obliged to reside six months in his parish. Probably there was no house of residence at Tarradale, so that his six months' residence on his living was arranged by his residing within the limits of the priory, by this time a commodious edifice.

The charter is witnessed by Dominus William, Dean of Moray; Dominus Walter Sureys, the official of Moray; Dominus Robert, vicar of Duffus; Dominus William, Prior of Pluscardine; and Robert of Bosyll, fellow monk.

Magister [Master] signifies that the ecclesiastic who bore this prefix was a Master of Arts of a university; Dominus was used to signify an ecclesiastic who was either not a graduate, or only a Bachelor of Arts, and it was afterwards commonly translated into Sir.‡ Sir Hugh Evans, in Shakespeare's "Merry Wives of Windsor," was a priest. The host says, "Shall I lose my parson—my priest—my Sir Hugh?"

The release entered into is from all claims, suits, actions, and appeals; and renounces for each party, among other things, the privilege of crusaders—"cruce signatorum"—who were allowed special exemptions from prosecutions and suits.§

* Liber Eccles. de Scon., p. 85. † O. S. P. Dornoch, p. 602.

‡ Fuller's Church History; Nash, Worcestershire, vol. ii., p. 23 (N.); Kennett's Parochial Antiquities, p. 684.

§ See Robertson's History of Charles V., note xiii.

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The rector of Tarradale was entitled to tithes from the Priory lands, for there is no privilege of exemption from tithes mentioned in the Bull of the Pope to Beauly. Even if the Valliscaulian order were entitled to the privileges of the Cistercian order as to tithes, without the exemption being mentioned in the Pope's Bull, the Priory of Beauly would not be free. The Cistercian order was exempted from paying tithes of lands which were cultivated by the hands of the monks, or at their expense.* But by the Lateran Council, at which William Malvoisin assisted, in 1215, it was provided the exemption should extend only to the lands then in possession of the order. Of course, as the Beauly lands were acquired, and the priory founded, after 1215, the ordinary exemption could not apply. It would not, however, be necessary to mention an exemption for lands called *novalia*, those which should, after they had been acquired by the monks, be brought into cultivation by the monks, and cultivated by them, and at their expense.

No. VI.

CARTA DAVID DE INNERLUNAN DE TERRA DE AUCHTERWADDALLE SEU ONACHTERWADALE EX DONO GILLECHRIST MACGILLEDUFFI FRATRIBUS DE BELLO LOCO.

EX AUTOGRAPHO [C. 1275].

"Omnibus hoc scriptum visuris vel audituris David de Innerlunan æternam in Domino Salutem. Sciant præsentes et futuri me ex consensu et voluntate Gillicrist Macgilliduffi concessisse et quietum clamasse Deo et Beatæ Mariæ et B. Johanni Baptistæ et Fratribus Belli loci ordinis Vallis Caulium ibidem Deo servientibus et in perpetuum servituris, totam terram meam de Ouchterwaddale quæ est dimidia Davata terræ, quam scilicet terram habui et tenui ad Feodifirmam de prædicto Gillicrist. Tenendam et habendam dictis

* Connell on Tithes, vol. ii., p. 333.

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fratribus et eorum successoribus cum omnibus pertinentijs et aysiamentis ad dictam terram spectantibus. Quare volo et concedo et quietum clamo dictam terram de Onachterwaddale de me et hæredibus meis dictis fratribus et eorum successoribus ut ipsi dictam terram habeant teneant et pacifice possideant adeo libere quiete, plenarie et honorifice sicut illam terram habent ex dono prædicti Gillicrist, prout Carta ejusdem eis inde confecta plenius testatur. Volo insuper et concedo, quod si aliqua Scripta vel instrumenta de prædicta terra de Onachteruedalle confecta a me, vel quocunque hæredum meorum sive assignatorum aliquo tempore fuerint reperta, quæ prædictæ quietæ Clamationi meæ in aliquo poterint eludere, vel prædictis fratribus in prædicta terra in aliquo nocere, irrita sint et quassata, mihi et hæredibus meis sive assignatis nullo tempore valitura: Et ut hæc mea Concessio et quieta clamatio rata sit et stabilis, præsenti scripto, una cum sigillo meo non satis cognito, appensum est sigillum nobilis viri Domini Walteri de Moravia. Testibus Domino Andrea de Moravia, Willielmo Comite Sutirland, Alano fratre dicti Domini Andreæ, Isaac Macgillendres, Johanne filio Cristini, Duncano Duff, Bochly Beg, et alijs."

It is not improbable that the good offices of Henry de Nottingham procured for the monks this charter. It is by David de Innerlunan, who, because his seal is not sufficiently known, uses the seal of Walter de Moray. Andrew de Moray, William, Earl of Sutherland, and Alan, the brother of the said Andrew de Moray, are witnesses.

William, Earl of Sutherland, in 1275, by the advice of certain prelates and noblemen, grants * to Archibald, Bishop of Caithness (the bishop-elect of the last charter), the Castle of Skibo; and to this grant the seals of the earl, William de Monte Alto, Sir Andrew of Moray, Sir Alexander of Moray, and Sir David of Innerlunan, were appended. Innerlunan was á barony in the sheriffdom of Forfar. The witnesses seem to fix the date of the one charter of David de Innerlunan at the same period as this charter of William, Earl of Sutherland, William de Monte Alto, Andrew de Moray, and David de Innerlunan, being parties to both deeds. David

* Bannatyne Miscellany, vol. iii., p. 24.

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de Innerlunan, by this charter, declares that by the consent and will of Gillicrist Macgilliduffi, he granted and confirmed to God and the Blessed Mary and the Blessed John Baptist, and the brethren of Beauly of the Valliscaulian order, then serving and for ever to serve God there, all his land of Ouchter-Tarradale, which is a half davoch of land which he holds at fee-farm of the said Gillicrist, and which they are to hold, as they have that land from the gift of the said Gillicrist, as by Gillicrist's charter made to them thereon is more fully testified; and David declares that if any charter should be found by him or his heirs contrary to this quit-claim, it should be void and of none effect.

Who was this Gillicrist? Although the grant is said *to be by his consent*, this expression is explained afterwards, I think, by reference to the charter of Gillicrist. That charter may be the one referred to by the Wardlaw MS., as granted of the Half Davoch Lands of Tarradale by Gillicrist a Rosse in 1235; but whether the name or date is accurate as given by the Wardlaw MS. is doubtful.

David de Innerlunan was, as we have said, of Lunan or Innerlunan in Forfar, and held his barony there of the earldom of Angus. Gilchrist, the son of Gillibride, was Earl of Angus in 1207.* This small outlying portion of land in Tarradale, on the break up of the old holders of Ross-shire lands by William the Lion, may have been granted to the Earls of Angus, and feued out by them with the lands of Innerlunan, to David de Innerlunan; and the Gilchrist Macgilliduffi of this charter belonged perhaps to the Angus family. William, the Prior of Pluscardine, is a witness to Henry of Nottingham's charter of 1274.

As everything is of interest to the history of Beauly Priory which bears upon the histories of the sister Priories of Pluscardine and Ardchattan—priories of the same order, and founded in the same year as Beauly—I shall ask my readers to go back and trace the story of the House of Pluscardine from its foundation down to an instrument† executed by

* Lib. de Aberbrothock, p. 33.

† Family of Kilravock, p. 171.

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Robert, the prior, and Adam Forman, of Pluscardine, the subprior, who are witnesses to the monition of the Bishop of Moray in favour of the Prior of Beauly, dated the 11th February 1501.

There are few monastic remains in Scotland which those interested in the history of the past can visit with so much satisfaction as Pluscardine Priory. There are none where more care is taken to protect the buildings from sordid rapacity or wanton injury—to allow nature to hide the progress of "calm decay" by the veil of evergreen climbers she so bountifully spreads over aged ruins—and to prevent the biting rain and shivering frost from throwing down the stately walls, which still attest the pious liberality of the young pupil of Malvoisin, Alexander II.

In the secluded vale of Pluscardine, in the parish, but at some distance from the city of Elgin, the king placed his foundation for the Valliscaulian brethren in 1230. Elgin was often visited and much favoured by the sovereign; and after the final defeat of the rebel Moraymen in 1229, and the establishment of the new sheriffdoms of Elgin and Nairn, all that was wanted to secure the civilisation of the district was the encouragement of agricultural improvement, and this the king effected by planting there abbeys and priories, those bodies of devoted men, who drained the morass, planted the hill, and cultivated the valley.

It is said that the king not only founded this priory in the parish of Elgin in 1230, but also founded that monastery of Dominicans or Preaching Friars there, in 1233, whose prior is also a witness to the bishop's monition. A House of Grey Friars, or Franciscans, at Elgin, is said to have been endowed by him in the same year.

The king named the Pluscardine Priory after St Andrew, the tutelar saint of Scotland, and called the Vale of Pluscardine the Vale of St Andrew; the whole valley, about three miles long, of extreme fertility, he granted to them, and also bestowed on them the corn milns of Elgin.

The first extant charter of the king is dated 7th April 1236.

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A *facsimile* has been photo-zincographed by the Treasury as one of the national MSS. of Scotland.*

As there is not among the Beauly transcripts any copy of the charter of confirmation of John Byset's grant by King Alexander II., it will be useful to give the translation of this charter to Pluscardine, the work in which it is found being expensive, and seldom seen in private libraries.

"Alexander, by the grace of God King of the Scots, to all the men of all his land, clergy, and laity, greeting. Let those present and to come know that we, for the love of God, and for the weal of our soul and of the souls of our ancestors and successors, have given and granted, and by this our charter have confirmed, to God and the Blessed Mary, and to the Blessed Apostle Andrew, and to the Brethren of the Order of Valliscaulium serving and to serve God in the house that we have founded in our forest of Elgin, in the place to wit that is called the Vale of Saint Andrew at Pluscardin, in exchange for the forest of Lanach, which we formerly gave to the same brethren, twenty nets upon Inverspe in free, pure, and perpetual alms.

"Moreover, we give and grant, and by this our charter confirm, to the same brethren, our mill of Elgin, with all the other mills belonging to that mill, and our mills formerly belonging to our castle of Foreys,† and our mill of Dulpothin, in the bailliary of Foreys, so that

* Facsimiles of National MSS. of Scotland, part i., No. xlviii.

† It appears from Stevenson's Documents relating to Scotland, published under the direction of the Master of the Rolls, that in 1291-92, notwithstanding all the traditions about castles in the north, the only castles into which garrisons were placed by Edward I. north of the Spey, were the castles of Elgin, Forres, Nairn or Invernairn, Inverness, Dingwall, and Cromarty. These were the only strong places of sufficient importance for Edward to keep in his own hands. Under the protection of each of these castles, there were, by the time of Alexander III., the following municipalities: The Provost and Burgesses of Dingwall, the Burgesses of Inverness, the Burgesses of Elgin, the Burgesses of Forres, the Burgesses of Cromarty, and the Burgesses of Invernairn. The first charter extant to any of these is that of William the Lion to Inverness.‡ The next is the charter of Alexander II. to Dingwall, dated 6th February 1227. This gives to Dingwall "omnes libertates et liberas consuetudines quas burgenses nostri de Inverness et

‡ This and three other charters of the same king are set out in a charter of King James III., dated 16th August 1467, and printed in Bell's Treatise on Scotch Election Law, Edin. 1812, App. xxxv.

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the aforesaid brethren may have and hold and possess all the aforesaid mills in free, pure, and perpetual alms, with all the multure payable from all the lands from which at the time of this grant we drew multure, or ought to have drawn it if it had been tilled, with their waters and stanks. We will moreover and grant that the aforesaid brethren and their millers take earth, stones, and timber for making the stanks of the aforesaid mill, and for repairing and preserving them without any contradiction or hindrance, in neighbouring convenient and suitable places. We give also and grant, and by this our charter confirm, to the aforesaid brethren, in exchange for twenty-four nets that the monks and the said brethren had by our gift on the water of Findorin for twenty-four pounds, these lands underwritten by the eight marches, and with their just appurtenances, to wit, Fernavan, Thulidoui, Kep, Meikle Kyntessoch, to be held and had by them in free, pure, and perpetual alms; in wood and plain, in meadows and pastures, in moors and marshes, in ponds, mills, waters, and fishings belonging to the said lands, free and quit from every exaction, and service, and demand, and custom, with all suits and pleas in all the foresaid possessions chancing in their court, which we give to them to be litigated and determined, excepting those that specially belong to our crown.

"We will, moreover, and grant that they, in respect of all their proper chattels, be free and quit over all our kingdom from all toll and custom. And all the aforesaid things that they have at present, and that they may in future times acquire by just means in our kingdom, we will and grant that they have, hold, and possess in free, pure, and perpetual alms, according to the tenor and form of the gifts made to them or to be made, as freely, quietly, fully, and honourably as any alms in our kingdom are most freely, quietly, fully, and honour-

in eo manentes habent."* The earliest extant charter in favour of Elgin recognises the existing burgh, which is mentioned as a burgh in King David's charter to Urquhart in 1125, and gives to the burgesses a merchant guild. It is dated at Elgin 28th November 1234, and has William Byset among the witnesses.† The earliest mention I have found of the burghs of Forres, Cromarty, and Invernairn, is the insertion among the letters addressed to the King and Queen of Scotland, probably King Alexander III. and Queen Margaret, by Scottish municipalities, of letters from the burgesses of Forres, Cromarty, and Invernairn.‡

* Stat. Acct. Ross-shire, Dingwall, 1837, p. 219.
† Printed Shaw's History of Moray, Edin. 1775, p. 193.
‡ National MSS. of Scotland, part i., lxxiv.

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ably had, held, and possessed by any religious men. And we have taken the aforesaid brethren and their house, all their men, and all the possessions and goods of them and their men into our firm peace and protection; and we firmly forbid that any one inflict any injury, trouble, or grievance upon them, or upon any one of them unjustly, upon pain of our full forfeiture; and that any one presume to take poind of them or of their men for any debt unless for their proper debt that they or their men may owe, upon pain of our full forfeiture. But if any one shall have rashly presumed to go against what is aforesaid in anything, let the diocesan in whose diocese this has been done, justly compel, by ecclesiastical censure, him who has done the injury to give satisfaction to the aforesaid monks; and if, on account of his contumacy, he has been tied with the sentence of excommunication, and obstinately resisting has scorned to obey the mandates of the Church, and has remained during forty days under sentence of excommunication, let the bailie of us and of our heirs, in whose bailliary that excommunicated person may be, seize him and thrust him into our prison; which, if that bailie shall have neglected to do after being required three times, the sentence of excommunication shall be enforced by the course of justice. We will, moreover, and grant that as often as injury has been done to the aforesaid brethren or to their men in respect of their lands, mills, or the marches of their lands, their possessions or other things, the bailies of us and of our heirs, when required by them, without waiting for a special royal mandate, do them full and swift justice according to the assize and customs of our kingdom. We charge, moreover, that no one presume to detain unjustly their serfs and those of their lands if found outwith our domains, upon pain of our full forfeiture. Witnesses—William, Bishop of Glasgow our Chancellor; Andrew, Bishop of Moray; William, Abbot of Dunfermline; Herbert, Abbot of Kelchoch; Ralf, Abbot of Aberbrothock; Gilbert, Abbot of Holy Rood; Patrick, Earl of Dunbar; Malcolm, Earl of Fife; Walter Cumin, Earl of Menteith; Roger of Quinci, our Constable; Walter, the son of Alan, our Steward, and Justiciar of Scotland; Walter Olifand, Justiciar of Lothian; Ingram of Balliol; Roger Avenel; Walter Biseth; Thomas, the son of Ranulf; Archibald of Dufglas; David, the Marischal. At Edinburgh, on the 7th day of April, in the 22d year of the reign of our Lord the King."

The king had been careful, in his grant to the Valliscaulians,

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to remember their rules, and to give them incomes without labour; as at Beauly, so at Pluscardine, much of the revenues are derived from mills and salmon-fishings. "One grant," says Mr Innes, "of twenty nets fishing at Inverspey may have comprehended the whole fishing of the great river from the ancient bridge downwards."* The maintenance of the ancient bridge, we may remark, was secured by the wise king in 1228 granting property for the purpose of keeping it in repair.

The bishop's charter confirming this in 1237 releases the tithes of the same land to the monks. We print the charter from the Treasury translation:

"To all the sons of Holy Mother Church that shall see or hear these letters, Andrew, by divine permission Bishop of Moray, everlasting health in the Lord,—Be it known unto you all that when our Lord Alexander, the illustrious King of the Scots, had bestowed, in pure and perpetual alms, for the support of the House of the Vale of St Andrew, of the order of Valliscaulium, which he founded in Pluscardin, and for the support of the brothers there serving, and for ever to serve God, the mill of Elgin, with all the mills and other things belonging to it; also the mills of Foreys and of Dulpotin, with all the mills and other things belonging to these mills, from which the churches of Elgin, and of Foreys, and of Dye [Dyke] were wont to draw tithes;† at the instance of our same Lord the King we quit-claimed to the aforesaid house, and to the aforesaid brethren, with the counsel and consent of our chapter and of the rector of the church of Foreys,‡ to wit, the Archdeacon of Moray,§ all the tithes of the aforesaid mills and others, if any happen to have been made within the soke of the aforesaid mills which the aforesaid mills had at the time of the making of this writing, except the tithes from the profits of the millers holding the aforesaid mills. We have quit-

* Facsimiles of National MSS. of Scotland, Introduction, p. xi.

† It would seem that these churches had the tithes of mills, which are generally vicarial tithes.

‡ William the Lion gave the churches of Forres and Dyke to Richard, Bishop of Moray, who had been his chaplain.

§ Bishop Bricius of Moray erected Forres and Logyn-Fythenach into a canonry, and gave it to the Archdeacon of Moray. This Logie is the Logie near Dumphail, and called Logie Fythenach, or the Woody Logie, to distinguish it from the other Logie.

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claimed, moreover, to the same house and to the same brethren, at the instance of our same Lord the King, all the tithes that were wont to be paid to us, and that ought to be paid to the Bishops of Moray for ever, from the rents* arising, and that shall arise, from the lands of Fernauan,† Tuliduui, Kep, Meikle Kintessoc,‡ reserving to the mother churches in whose parishes the aforesaid lands are the other tithes pertaining to them. And our Lord the King aforesaid, by bestowing greater gifts, has of his grace benevolently provided an indemnity, and abundantly given satisfaction to us and to our successors, and to the church of Moray. And we have given full satisfaction to the church of Forays and the Archdeacons of Moray§ for those things that belonged to them. In sure and indubitable testimony of the things aforesaid, to this writing along with our seal is affixed the seal of our chapter, together with the subscriptions of the canons. Done in the year of grace one thousand two hundred and thirty-seven.

✠ I, ANDREW, Bishop of Moray and Canon of the Holy Trinity of Elgin, subscribe. ✠
✠ I, WILLIAM, Precentor of Moray, subscribe. ✠
✠ I, WILLIAM, Chancellor of the church of Moray, subscribe. ✠
✠ I, WILLIAM, Archdeacon of Moray, subscribe. ✠
✠ I, JOHN OF BEREWIC, Canon of the church of Moray, subscribe. ✠
✠ I, ANDREW, Canon of Moray, subscribe. ✠
✠ I, WALTER, Canon of Kingussy, subscribe. ✠
✠ I, R., Canon of Duppol, subscribe. ✠
✠ I, JOHN, Canon of Crumbdol, subscribe. ✠
✠ I, WALTER, Subdean of Moray, subscribe. ✠
✠ I, ARCHIBALD, Canon of Croyn, subscribe. ✠

* The bishop perhaps refers to the grant to his see by William the Lion of the tithes of the king's can, or rents in kind, but the bishop's charter seems by Pope Urban's confirmation to have been sufficient to grant the corn tithes.

† This is probably Fernway, which, according to Mr Forsyth (Acct. Moray, p. 173), is the original name of the district of Fernoway or Darnaway. This district, or the forest part of it, became the property of Thomas Randolph, Earl of Moray, who is said to have founded Darnaway Castle between 1315 and 1331.

‡ Kintessack is the present name of a locality in the parish of Dyke.

§ Although Bishop Bricius had erected the canonry of Forres and Logyn-Fythenach for the benefit of the Archdeacon of Moray, yet, for some reason, the gift of Logyn-Fythenach required confirmation. This confirmation was enforced as a condition by Alexander in his grant to the bishop, in the month of September

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In 1239 we have Symon Prior of Pluscardine a witness to the charter,* by which, among other churches, the church of Fernuau, formed out of the Byset parish of Dunballoch, was granted by the Bishop of Moray to the canons of Elgin.

In 1263 Pope Urban IV. granted a Bull to Pluscardine. He, after the example of Gregory, of happy memory, takes the monastery under the protection of the Blessed Peter and himself. He appoints that the monastic order which has been instituted in the monastery according to God and the rule of St Benedict, and the institution of the Brethren of Valliscaulium should for all times be observed there. He confirms the grants made to the house, especially the place where the monastery is situated, with all its appurtenances; the church situated in the town, called Durris [Dores], with the tithes of sheaves of the same place; the right of patronage in the church; the tithes of sheaves in the forests of Pluscardin and Wthutyr; the tithes of the mills placed in the same forests, and of the iron dug in the same; the right of fishing with twenty nets in the Spey; and the mill with the streams, which the monks have in the town called Elgyn.. The lands and possessions in the places commonly called Fernauay, Thulidoui, Kep, the Greater Kintessoch and Mefth are confirmed; also the land and forest called Pluscardin and Wthutyr. Nobody is to take tithes from their gardens, underwoods, fishings, or meadows. The monks may receive to conversion those flying from the secular power. There are the usual restrictions against leaving the House without the prior's licence; and against any monk or lay brother being surety, and borrowing money; leave to say the holy offices during an interdict; and no prior is to be placed at their head except he who is chosen by the majority. The Bull is dated at Viterbo, 3d July 1263.†

1236, of Finlarg. He grants Finlarg in exchange for the wood called Cawood, and for Logyn-Fythenach, of which latter place the bishop should be bound to make a full grant to William, Archdeacon of Moray, and his successors for ever. This grant had probably been made in the interval between September 1236 and 1237.

* Reg. Mor., p. 35.

† Spalding Mis., vol. ii., p. 404.

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Symon seems to have been a long time prior, for Dominus Symon, Prior de Pluscardine, is witness to a charter by John the son of Malcolm de Moravia, which Mr Innes puts down as of the date 1284, and which is witnessed by William, Earl of Sutherland, and William, Earl of Ross.* In his time the monks of Pluscardine arranged with the burgesses of Elgin, that the monks should have the lands which lay between the two mills of Elgin in lieu of an obligation on the town to repair the mills and stanks, with which the burgh was then burdened. The convention is dated St Nicholas's Day 1272.† Patrick Heyrock was provost, and Hugo Bisset one of the burgesses; and Hugo Herock, in 1286, has Simon, Prior of Pluscardine, as a witness to his endowment of the chaplains of St Nicholas and the Holy Cross at Elgin.‡ By 1330 the Heyrocks have become treasurers of the church of Moray, and the controversy between the town and the priory is now as to the multures. The monks are to have the seventeenth vessel or vat of corn in lieu of other multures.§

John, Bishop of Moray, and Richard, Bishop of Dunkeld, in a Cathedral Chapter of the Church of Moray, held on the 10th of October 1345,‖ having before them, summoned by the Bishop of Moray, John Wyse the prior, Adam Marshall the subprior, and William of Inverness and Adam Young monks, of the House of the Vale of St Andrew of Pluscardine, interrogate them, and extract from them this statement,—That from the first foundation of the House of Pluscardine, as they have heard from their predecessors and seen in their own time, the bishops of Moray for the time being, as often as they thought fit, had exercised the right of visitation and correction, institution and deprivation, over the priors and brethren of the House of Pluscardine, and received procurations; and the prior and monks admitted that they had no exemption or privilege against this right, which was now, and had been from time beyond memory, exercised by the Bishops of Moray. Nor was this all. Sir William de Longo Vico,

* Reg. Mor., 462. † Family of Innes, p. 55. ‡ Reg. Mor., 283.
§ Family of Innes, p. 57. ‖ Reg. Mor., 157.

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a monk of the Rennard Valley, of the diocese of Toul, as nuncio of the Order of the Valliscaulians, and proctor of the prior of the House of Valliscaulium in the diocese of Langres, stated that the bishops and diocesan archbishops, as well in Germany as in other parts beyond the sea, in whose diocese Houses of the Valliscaulian order were situated, down to this time had exercised, and now exercise, in their dioceses, the right of visitation and correction over these Houses, and received procurations. There were present the Chancellor and official of Moray, the Chancellor of Glasgow, the Treasurer of Dunkeld, and the Canons of Moray, specially called to be witnesses.

The House of Pluscardine had further troubles in connection with their multures. Robert de Chisholm, who was Lord of Quarrywood, near Elgin, refused to pay multures to the prior. The House appealed to the Bishop of Moray, and Alexander Bar, the then prelate, issued a monition to Sir Archibald Douglas, knight, in April 1390, in the following terms:*

"Honourable and noble Sir,—You and John de Kay, sheriff of Inverness, have determined a certain process in such manner, as God knows, to the grievous injury of the Priory of Pluscardine, and to the great prejudice of the jurisdiction of the Church, which we crave to have by you recalled; for we assert and declare that Alexander, King of Scotland, of pious memory, gifted to the prior and monks of Pluscardine the mills of Elgin and Forres and other mills depending on them, and the mulctures of the lands of those mills which he then received, or ought to have received, as they were for the deliverance of his soul, which mulctures of the lands, when arable, by virtue of the donation, the said prior and monks have received, likeas they yet without dispute receive; and whereas the mulctures of the lands of Quarrywood, in the sheriffdom of Elgon, at that time unimproved, but now reduced to cultivation, belongs and appertains to the mill of Elgin, from which it is scarcely a mile distant; because, if it had been at that time cultivated, the mulctures would, and ought to have been, received by the

* Reg. Mor., p. 169. Forsyth's Moray, p. 133.

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royal granter." The complaint, after stating undisturbed possession, with the knowledge and tolerance of Robert de Chisholm, knight, during the preceding reigns, "further asserts and declares that the said Robert had seized and bound a certain husbandman of the lands of Findrassie (Finrossie), to whom the prior had by contract let the said mulctures, and thrown him into a private prison, by which he directly incurred the sentence of excommunication." The complaint proceeds to show cause why the action could not be determined by the civil, but by the ecclesiastical court, and concludes by threatening to excommunicate the civil judges if they attempted anything further by which the priory might be wronged or the jurisdiction of the Church marred.

On the 16th of April 1390 Sir Thomas, Prior of the House of Pluscardine, records a solemn instrument of protest against the proceedings of Sir Robert de Chisholm.* The prior and the knight, however, attest a charter of John of Dunbar, Earl of Moray, to the burgh of Elgin on the 1st of May 1390, by which the earl discharged to the town for ever the ale of assize belonging to him, as constable of the castle of Elgin.†

Quarrywood is in the parish of Spynie, and is so called from a rich quarry of freestone in these lands. It belonged in 1365 to Sir Robert Lauder, whose grandson, Sir Robert de Chesholme, then constable of Urquhart Castle (to whom John Randolph, Earl of Moray, had given in 1345‡ the lands of Invermoriston and of Lochletter in Glenmoriston, and Glen Urquhart), in January 1365, married his daughter to Rose of Kilravock.§ Shaw wonders that Sir Robert Lauder could be alive when

* Family of Innes, p. 65.

† *Ib.*, p. 67, Shaw explains the assize of ale to be the quantity of ale which the burgh was bound to furnish to the earl as constable; and, as Dr Cowell observes, *assisa panis* sometimes signifies a portion of bread, and the Doctor derives the expression "sizar" at Cambridge, from the quantity of bread which those students who had sizarships were entitled to receive. But Dr Cowell explains *assisa panis et cerevisiæ* as the power or privilege of assizing or adjusting the weights and measures of bread and beer; this privilege was one belonging to the lord of a town, and was accompanied with a power of demanding fees and fines, and it is probably this privilege which was surrendered by the earl.

‡ Family of Innes, p. 60. § Family of Kilravock, p. 37.

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his great-granddaughter was married, but the Lauders of the Bass were a stout race, and he was not only alive, but able to enter into a deed with his grandson in 1366.

Sir Robert de Chisholm's method of taking the law into his hands against the Church was a month after outrageously exceeded by Alexander Stewart, the "Wolf of Badenoch," who burnt Elgin and the cathedral on St Botolph's Day, 17th June 1390. It seems that among the Bulls, apostolic letters, public instruments, charters, and other writings burnt with the cathedral, were those by which the rights of the Priory of the Valliscaulians at Pluscardine, and its privileges and statutes and foundations, could be manifested. Pope Benedict XIII., in 1404, issued a commission to the Bishop of Aberdeen to inquire for any other copies of the evidences burnt, but it does not appear that those of the House of Pluscardine were collected.*

Whether the prior succeeded in rescuing his multures, we cannot ascertain, but the plea of exclusive jurisdiction set up by the Church when the temporal rights of a monastery were in dispute is not likely to have been sustained. In 1388, the appeal of a monk of the Priory of Urquhart in Moray against the investiture of a prior of Urquhart by the Bishop of Moray, was finally decided by King Robert III. and the clergy in Parliament on the 12th March 1391.†

The mode in which the election of priors and their confirmation by the bishop was managed, is shown by what happened in the Priory of Pluscardine in 1398. Thomas, the head of the House, on the 7th August 1398‡ resigns the priory into the hands of the Bishop of Moray; on the 13th of the same month the senior monk announces to the bishop that Alexander de Pluscardine, one of the monks, was unanimously elected prior; that the *Te Deum* was duly chanted after the election, and that the House in full chapter assembled craved the bishop's confirmation. § And on the Vigil of the Assumption (14th August) the bishop ‖ issues an order that any one

* Reg. Mor., p. 422.
† Preface Stat. Eccl. Scot., p. 51, N. (6).
‡ Reg. Mor., 353.
§ *Ib.*, 356.
‖ *Ib.*, 357.

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opposing the election should appear on the 21st of the same month; and on the 21st the election of Alexander is confirmed by the bishop, reserving to himself and successors the right of annual visitation. As yet no usurpation by the Pope had taken place of the rights of the Valliscaulian monks to elect their own prior,—a usurpation which we have seen Alexander Borgia attempt in the Priory of Beauly.

The Priory of Urquhart was founded by King David I.,* and partly endowed by the Abbey of Dunfermline, whose grant the foundation charter confirms. The charter has no date, but is usually stated to be 1125. It is in form a grant to the Church of Urquhart and the prior and brethren serving there. The Papal Bulls of 1163 and 1182 to Dunfermline include Urquhart and the church of Urquhart among the possessions of the abbey; and in 1234 Pope Gregory IX. expressly confirms it to the abbey as the Cell of Urquhart in Moray, with the Church lands and other pertinents.†

A cell might be a grange‡ or house, with ample farm buildings, erected upon lands at a distance from the monastery to which the cell belonged; there two or three of the monks lived, reaped the crops, collected the rents, and remitted them to the superior house. Thus Pluscardine had a grange and cell of monks in the parish of Dyke,§ who superintended their farm and estate of Grangehill, now Dalvey.‖ At times a cell was an oratory, where a certain number of monks were allowed to retire for prayer and meditation.¶

* Reg. Dunf., 15. † *Ib.*, 151, 154, 156, 175.

‡ Wordsworth has poetically described the office of a cell when a grange, in his poem on the Cell of St Bees,—

> "Who with the ploughshare clove the barren moors,
> And to green meadows changed the swampy shores?
> Thinned the rank woods: and for the cheerful GRANGE
> Made room—where wolf and boar were used to range."

§ Forsyth's Moray, p. 77.

‖ In the beautiful gardens of Dalvey there is a venerable apple-tree, which still blossoms richly, and bears some fruit; it is impossible to ascertain its age, but it is conjectured, with some appearance of truth, that it was planted by the monks of Pluscardine (New Statistical Acc., Dyke, p. 219).

¶ Ducange in verbo Cella.

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Urquhart was governed by a prior who, in 1343, was sufficiently independent to settle the obligation of the priory to pay the expense of serving the chapel of Kilravock;* but in 1358 the Abbot of Dunfermline asserted that the prior could not be elected without his sanction. In 1429 there is a letter from Columban, Bishop of Moray, authorising the commissioner of the Abbot of Dunfermline—the king's assent having been also obtained to the commission—to inquire into, correct, and reform the priorate and prior of the abbot's cell of Urquhart on account of some crimes come to the ears of the abbot.†

The bishop at the same time addressed a letter to the Prior of Urquhart, Sir Andrew Raeburn, informing him that the abbot intended, by his commissioner, to hold a visitation of the priory, and requiring the prior to attend it.‡ What faults the Prior of Urquhart had committed does not appear, nor the result of the visitation. Great care was taken in the rules of the Benedictine order that cells should not lapse into places where monastic discipline was neglected.

Some twenty-five years later the charms of the Priory of Pluscardine excited the cupidity of a principal officer of the House of Dunfermline. The transaction which followed and gratified the covetous sacristan of Dunfermline is by Shaw and Forsyth attributed to the vices of the Pluscardine monks.

"The monks of Pluscardine," writes Shaw, "becoming vicious, the priory was reformed and made a cell of Dunfermline." "The Convent of Pluscardine was free from episcopal jurisdiction," says Forsyth, "but becoming licentious, soon after 1460 the white monks were expelled, the black were introduced, and the priory made a cell of Dunfermline." The property of the House had dwindled, and the priory church and priory buildings had become ruinated in 1398, for the election of Alexander proceeded on his being expected to defend the possessions and to repair the church and dwellings of the monks.§ John Benale, Prior of Urquhart, whose con-

* Family of Kilravock, p. 112.
† Reg. Dunf., 167.
‡ Reg. Dunf., 282, 283.
§ Reg. Mor., 356.

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vent of brethren seems to have consisted of two monks, in 1454 petitions Pope Nicholas V.* that he would unite the priories of Urquhart and Pluscardine. The petition stated that these two priories were conventual, curative, and elective, and were acknowledged to be foundations of kings of Scotland; that by reason of wars, mortalities, and other calamities, the income of the priories had so diminished that they were unable to keep up a prior in each House with a decent and competent number of religious men, or to keep the buildings of each house in proper order, or to maintain Divine service; so that in Pluscardine there were generally not above six monks, in Urquhart two only. The petition stated that Pluscardine was a dependent member of the Priory of Valliscaulium in the diocese of Langres in France, and on account of the great distance of Pluscardine from Valliscaulium, and other inconveniences, it was unable to be visited by the mother house or her substitutes, or to obtain any help from her, and that it would be desirable it should be wholly separated from the Priory of Valliscaulium, and that the Priory of Urquhart, which depended on the Monastery of Dunfermline of the order of St Benedict, were annexed and united to Pluscardine.

The Pope, on the 12th of March 1454, issued a commission to the Abbot of Lindores and the Chancellor and Treasurer of Moray, stating the petition of the Prior of Urquhart, and authorising them to inquire into the truth of its allegations, and the consent of the King being obtained, to carry out the union. The Papal Bull requires the commissioners to assign some proper compensation for the change to the Priory and Order of Valliscaulium. It asserts that Andrew Haag, Prior of Pluscardine, had resigned on a pension of £12, and appoints or authorises the commissioners to appoint John Benale prior of Pluscardine.

On the 8th of November 1454,† the Abbot of Dunfermline granted a commission to William de Boys to receive the professions into the Benedictine order, of the monks of Pluscardine.

* Theiner Mon. Vet. Scot. et Hib., p. 391. † Reg. Dunf., 333.

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John, who was then appointed prior, was apparently a person of importance, for Elizabeth, Dowager Countess of Moray, executing a deed* at Forres on 20th May 1455, says, "the said Elizabeth, Countess of Morra, in absence of her own sele, has procurit the sele of a worshippful fader, Done John Benolda, Prior of Pluscardine;" a curious instance of the translation of the "Dominus."

In November 1456 the exchange is completed; on the 7th† there is a commission of the Abbot of Dunfermline to William de Boys, the sacristan, to visit the Priory of Pluscardine; it is addressed to John de Benaly, and on the same day,‡ on William de Boys' resignation, John de Benale is made Sacristan of Dunfermline. On the 8th there is a letter from the Abbot of Dunfermline to the Abbot of Kinloss,§ informing him that John de Benaly had resigned the Priorate of Pluscardine, and requesting him to confirm the new prior if elected.

With his commission of visitation in his pocket, the influence of William de Boys was enough to procure his election, and in 1460 we find him named William de Boys, Prior of Pluscardine and Urcharde.‖ He did not allow the rights of his house to be violated, for in 1463 he obtained a declaration from the Chancellor of Moray that the church of Dingwall in Rossshire, with all its fruits, belonged to the Prior of Pluscardine. How long he continued does not appear, but in 1500, Robert is the Prior of Pluscardine. On the 3d February 1501 this person executed a deed, printed in the book of Kilravock,¶ which is interesting, not only from the rarity of any documents of the convent of Pluscardine, but also from its throwing some light on the subject of mills and multures, so constantly mixed up with the Valliscaulian priories.

"The erecting the machinery of a corn-mill," says Mr Forsyth,** "could not formerly be undertaken by any person in a rank inferior to a baron, a bishop, or an hereditary sheriff."

* Miscellany of Spalding Club, vol. iv., p. 130.
† Reg. Dunf., 337.
‡ *Ib.*, 339.
§ *Ib.*, 339.
‖ *Ib.*, 353, 354.
¶ Family of Kilravock, p. 171.
** Forsyth's Moray, p. 131.

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The Pluscardine House, by this deed, thirl all the growing corn of their lands of Penyck* to the mill of the laird of Lochloy, "but the annexation of the foresaid corns to the foresaid myll till indure ay and quhill we or oure successors thinks it speidful to big ane myll of our awin, or caus ony vther to big in our name a myll to grund our foresaid tennantes corneys." It concludes thus:

"And this contract was maid at Pluscardin undir owre common seill, with our subscriptiones manualle, the thride day of Februar in the yere of God a thousand and five hundreitht year.

"Ego, ROBERTUS, prior ad suprascripta subscribo.

Et ego, ADAM FORMAN, ad idem. Et ego, JACOBUS WYOT, ad idem.
Et ego, ANDREAS BROUN, ad idem. Et ego, JOHANNES HAY, ad idem.
Et ego, ANDREAS ALAIN, ad idem. Et ego, JACOBUS JUSTICE, ad idem.

* Pennik was given to the Abbey of Dunfermline by David I. (Reg. Dunf., 14), and by the Abbey to the Priory of Urquhart at its foundation (Reg. Dunf., 17).

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IMMANUEL KANT IN HIS RELATION TO MODERN HISTORY.

By GUSTAVUS GEORGE ZERFFI, Esq., Ph.D., F.R.S.L.,
Fellow of the Royal Historical Society.

SINGLE individuals stand to the general historical development of humanity in the same relation as do detached stones, statues, corbels, spires, or weather-cocks to a building. The individual, in the eyes of the philosophical historian, has only so far an interest as he forms a link in the great chain of human activity; or one stone in the historical dome. The individual is the outgrowth of his times, his dwelling-place or country, the intellectual and social atmosphere in which he has been reared and nourished. In proposing to read a paper on Immanuel Kant, I did not intend to occupy your time with his private life, or little biographical notices of his character, but to place before you my objective views as to his influence on our mode of thinking as the basis of our modern history. I purpose to keep to the general principles which I laid down before you in my paper "On the Possibility of a strictly Scientific Treatment of Universal History" (see vol. III., Transactions of Royal Historical Society, page 380), and shall try to apply those principles in sketching the development of an individual in whom the static and dynamic forces working in humanity were well balanced. Kant, as philosopher, is merely a link in a long chain of mighty speculative and empirical or deductive and inductive thinkers, who serve to illustrate, that from the earliest times of the awakening consciousness of humanity man tried to bring about an understanding of the natural and intellectual phenomena surrounding him. The method which these thinkers pursued was either *a priori* or *a posteriori;* they either started with general principles, and reasoned from

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them down to particulars; or they followed the more thorny path of arguing from particulars, in order to come to general conclusions. Finally, Kant stands by himself in founding a system which succeeded in bringing harmony into these two conflicting methods. He may be said to have been the only "deducto-inductive" philosopher. He was a genius able to grasp mind and matter, the noumenal and phenomenal in their innermost connection, and succeeded in destroying a one-sidedness in philosophy which often had been detrimental to the real progress of science.

Bacon and Descartes opposed the old methods of philosophy, and endeavoured to explain the various phenomena of nature on a merely mechanical basis. But Bacon, after all, was a reviver of the atomistic theory of Demokritos, whilst Leibnitz, in opposing Bacon, Descartes, and Spinoza, and their teleological principles, turned back to Plato and Aristotle in order to unite *a priori* the conflicting elements of the two Greek philosophers in his theory of monads. Kant is neither exclusively empirical nor teleological; he is the creator of an entirely new mode of thinking and studying. All philosophy before Kant was more or less theology. The circle of experience was extremely narrow; and theology bore all before it: none could gainsay it. Explanations and hypotheses, drawn from the fertile sources of imagination and intuition, productive of surmises and conjecture, had full play, and ruled supreme. Free will, the senses, perception, matter, spirit, body, soul, nature, God, and universe, were settled as entities out of the inner consciousness of poets, prophets, or philosophers. By degrees, and slowly, experience tried to collect and heap up observations, which were at first isolated; often in contradiction to certain *a priori* settled assumptions; but subsequently they were arranged and brought into mutual relation, and we see natural sciences take a position apparently opposed to theology, philosophy, and metaphysics. Matter affecting and impressing our senses, acting and reacting on them, was pronounced to be the only thing we could grasp, or know anything of. The experimentalist

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grew angry with the metaphysicians or theologians, and blamed the efforts of those who argued on matters which he was trying to discover by means of scientific observation. Either the theologians come to the same final results as we men of science, then they are entirely superfluous; or they persist in opposing us with false assumptions, propagating thus errors which are detrimental to the progress of knowledge, and then they are worse than superfluous; they are altogether pernicious. From this conflict, also, a division in the scientific world arose. Some devoted themselves exclusively to "realism," others to "idealism." Everywhere, at this period, we see strife and warfare.

In ancient times, as in the Middle Ages, the experimental sciences were but unruly and undisciplined children, continually finding fault with their mother, speculation; history was yet unknown; mere chronicles, or, at the most, biographies, existed. The knowledge of connecting laws was wanting, all was guesswork, all was a disconnected heap of facts in sciences as well as in history. The discovery of America, and the Reformation, suddenly changed the very mode of thinking. Without the Reformation, no philosopher of the stamp of Bacon could have been possible. Philosophy detached itself through Bacon from theology, and entered the lists of experimental science; so intimate was the connection between philosophy and experiment that we, in England, speak of a microscope as a philosophical instrument, and might even call a new method of dyeing silk, or a new way of manuring a philosophical invention. In consequence of this one-sidedness, inaugurated by Bacon, we became more and more devoted to a realistic, or, as some people have it, materialistic and practical philosophy, and failed to see that there was a power in us which has to arrange, to systematise, and even to apply what has been gathered on the fields of experience. Opposed to this realistic school were first Descartes and Leibnitz. The pure intellect was to be the source of all knowledge; nothing was worth studying, except what could be reduced to an algebraic formula. Spinoza

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brought this theory to perfection. Not only nature, but all human life, with all its fluctuating passions, was to be explained by mathematical rules. Man's sufferings, actions, intentions, and motives were to be treated as planes, triangles, spheres, cubes, squares, pyramids, or polyhedrons, etc. Leibnitz tried to save philosophy from these matter of fact tendencies. He discovered in mathematics the differential and infinitesimal "calculus;" and in physics a new law—*motion*. He strove to establish a union between primitive and final causes. He had an idea that the contrast between inorganic and organic, natural and spiritual, mechanical and moral elements must cease through the notion of continuity in the unity of gradually progressive, self-acting forces. His system reached its climax in his "Theodicy," altogether beyond the comprehension of human intellect. He dimly felt that there ought to be a union between metaphysics and experience; but the solution of this problem was beyond his powers. Professor Christian Wolf was a thorough dogmatist. Philosophy was to him the knowledge of everything possible. Anything was possible that could be brought under a strict logical law, according to the *principium identitatis, contradictionis*, and *rationis sufficientis*. We were taken back by him to the categories of Aristotle. Experimental philosophy and metaphysics were again separated; the latter was to make us acquainted with the essence of things from a speculative point of view. This was treated of by Wolf in his "Ontology," under the heading "*De Entitate;*" comprising the simple, compound, final, infinite, perfect, imperfect, accidental, and necessary substances. The universe, soul and God, were discussed according to these ontological categories, as subjects of Wolf's cosmology, pneumatology, and theology. Dogmatism in philosophy celebrated its greatest triumphs before the dazzled eyes of Europe. Dialectics ruled supreme. Explanations were given, and the unfathomable was again fathomed—of course, only in words. Kant stepped on the philosophical platform when the dogmatism of Wolf was in its zenith; he was himself a pupil of this mighty metaphysician. The

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struggle between the sciences *a priori* and those *a posteriori* was recommenced. The foundations of metaphysics, undermined by Bacon, Descartes, Leibnitz, and Spinoza, stood propped up by Wolf's ingenuity; but his system was terribly shaken again by the mighty sceptical philosophers of England and Scotland. Bacon already denied that metaphysics, treating of the supernatural, could be a science. Locke went further; he set down experience and perceptions as the basis upon which to build up a system of philosophy. Sensation and reflection were to be the leading elements. Bacon declared the supernatural to be an impossibility, and Locke pronounced even the supersensual a mere fiction, opposing Descartes, as the latter opposed Bacon. Locke's final dogma was, that experience cannot make us acquainted with the essence of things, but merely with their impressions on our senses. Berkeley, in analysing sensual impressions, found them producing perceptions, and therefore turned upon the realists and proclaimed triumphantly that, after all, everything is "idea." He thus confounded effect and cause, and pronounced them to be identical. All observations are mere impressions on our senses, but these produce perceptions. Perceptions are ideas, therefore everything is mere idea. All material things, if deprived of our perception, are *nothing*. There are only perceiving and perceived elements or ideas in us, which take their origin in God. Berkeley's dogma may be summed up thus: God has endowed us with the faculty of perception through impression; all knowledge is, therefore, of divine origin. His dogmatism led to Hume's scepticism. Hume started by endeavouring to find out, whether we might become conscious of the impressions made by perceptions on our senses, and whether knowledge were possible beyond such perceptions. He assumed only one possible science—mathematics, the conclusions of which are analytic (according to him), by means of equations. Empirical conclusions he wishes only to be based on the laws of causation (the *nexus causalis*), and the whole of his philosophy may be reduced to the question: Is a cognisable causal "nexus" between the

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objects of experience and their impressions on our senses possible? He denies this most peremptorily. Reason cannot connect different impressions, and at the same time trace their causes with certainty; her conclusions are only analytic, but never synthetic. All conclusions drawn by experience can, therefore, never be strictly demonstrated, as we can only recognise the effect, but never the necessary cause. Neither reason nor experience can give us a real insight into causality, and this very causality is one of the essential features of science. What we are capable of attaining is a continuation of facts and impressions. The *post hoc* becomes a *propter hoc*, or the "after" a "therefore." This change is performed through our reasoning faculty. The *causal nexus* is a mere assumption; it is a faith, a belief, like any other, and not a reality. This will suffice to characterise the philosophical stand-point at the period when Kant began his career.

Glancing at the political and social condition of his times, we find him entering the university when Wolf returned to Halle, and Frederic II. ascended the throne. The Seven Years' War interrupted his academical studies. He finished his great work at the time when Frederic the Great ended his glorious life. He was attacked and persecuted under the government of Frederic William II., but finished his career, once more allowed to breathe a free and independent thinker under Frederic William III. Kant was born on the 22d of April 1724 at Königsberg. His ancestors were of Scottish origin, thus Kant indirectly is a countryman of the great Scotsman, David Hume, from whom he descended in a direct spiritual line as philosopher. It is often interesting to trace the general law of action and reaction in single individuals. The most influential agents have been educated by those who were to fall a sacrifice to the destructive intellectual powers of their pupils. Bacon was educated by Scholastics; Descartes by Jesuits; Spinoza by Rabbis; and Kant by Pietists. Kant never could understand the unhealthy and deadening principles of his pietistic masters; he learned from them a certain discipline of the mind, for which

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he was always grateful. He was a stern moralist in thought and deed all his life.

Seven years (from 1733 to 1740) he frequented the "Collegium Fredericianum;" nine years (from 1746-1755) he was tutor in three different families; and on the 12th of June 1755, he took his degree with a dissertation "On Fire." In April 1756, he was made a private teacher at the University, and had to spend fifteen years of his life in that position, till he was at last appointed "Professor ordinarius" of the university at Königsberg. In the year 1756 he delivered his first lecture. He was so nervous that his voice nearly failed him, and he was scarcely heard; but the next lecture was better, and at last he became famous for his learning, and the amiability of his delivery. He continually asserted that his intention was not to teach what had been taught, but to suggest and to rouse the minds of his hearers to self-thought and self-reasoning. He declared, publicly, that his students could not learn philosophy from him, but how to think for themselves. From the year 1760 he took up various subjects in addition to Philosophy. He lectured to the theological faculty on "Natural Theology;" to large audiences on "Anthropology" and "Physical Geography." In 1763 and 1764 he published his "Only possible means to prove the Existence of the Divinity," and his "Observations on the Beautiful and Sublime," and gave lectures on these two subjects. In 1781 appeared his greatest work, under the title, "Critique of Pure Reason;" in 1783 he published his "Prolegomena of any possible Metaphysics;" in 1785 his "Principles of a Metaphysic of Morals;" in 1786 his "Metaphysical Introduction to the Natural Sciences;" in 1788 his "Critique of Practical Reason;" and in 1790, his "Critique of our Reasoning Faculty;" in 1793, his "Religion within the limits of Pure Reason."

He died on the 12th of February 1804. What a period—what a life from 1724 to 1804! He witnessed the Seven Years' War, the French Revolution, the Establishment of the American Republic, the fall of the Convention, the rise of Napoleon—the political and social change of everything in

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Europe. Schiller and Goethe were inspired by him. He saw action and reaction, flux and reflux in human thoughts and achievements. Sciences of unknown subjects sprang up. Geology, under Werner, began hypothetically to step forward with uncertainty and timidity. Oken proclaimed his theory of evolution in unintelligible alchemistic phrases. Everything appeared to assume new phases. Men were either inclined to Voltairian incredulity, to Rousseau's fanaticism, Hume's scepticism, or Jesuitic bigotry. Mysticism went hand in hand with a negation of all things. Swedenborg stood in the foreground with his supernatural epileptic fits; whilst Holbach, Grimm, and D'Alembert denied even our spiritual faculty of "negation." The intellectual state of Europe was but a reflex of the social and political condition of the times. Old mediæval France, with her centralised organisation grown out of the grossest feudalism, was in dissolution; Germany sighed under two hundred and forty major and minor despots, and a childish, almost Chinese, over-regulation in public matters; England was, at least, Parliamentarily free, the abode of the greatest orators that ever raised their voices for the public welfare. America possessed a Washington; France, a Robespierre and Napoleon; England, a Chatham and Burke; and Germany, a Kant, Hamann, Herder, and Jacobi.

Like a bright sun shedding lustre around, the Teuton philosopher stands high above his times, witnessing in serene splendour the intellectual, religious, and political chaos beneath him, out of which grew our nineteenth century. Not without meaning has he been placed on the monument of Frederic the Great as first among the mighty generals of the still mightier king. Socially and politically, Frederic II., and intellectually and philosophically, Immanuel Kant, understood the progressively advancing spirit of their times. And therein consists the real merit of a historical character. No glorious battles, no victories, no extensions of territory, no artificially embellished towns, no momentary prosperity in commercial enterprises can make up for a misunderstanding; or, according to my theory, for an untimely disturbance

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of the acting and reacting moral and intellectual forces in humanity. He who, in history or science, dares to touch that balance and disturbs its equilibrium, can but bring trouble on humanity, for he forces generation after generation to endeavour to readjust that balance. Kant's private, as well as public life, was one great and successful effort to keep our morals and our intellect within the boundaries of the possible.

Independence and the most punctual legality were to be the basis of the individual and of the State, as but an aggregate of individuals. Pure moral principles, without any admixture of dogmatic dross, were to be the moving springs of humanity; our knowledge was to be based on a full consciousness of the possibility and certainty of our conclusions. The most important step to attain was to trace in the phenomena of human thoughts and actions a certain law. To show how far we, as finite beings, endowed with intellect, might grasp space and time, the infinite, the invisible, the transcendental, the supersensual, so as not to waste our faculties on matters which must remain for ever unapproachable in the dominion of science, was to render the very greatest service to humanity. Kant achieved this task. His "Critique of Pure Reason" was partly misunderstood, or rather, generally not understood at all, or was distorted, because some felt it to be the death-warrant of all speculative efforts, metaphysical verbiage, and dogmatic quarrels. The book was decried as unintelligible transcendentalism and incomprehensible dialecticism. Kant's interpretation of transcendentalism was one which some people would not like to admit. By this expression, he meant simply to transcend, "to step over," the boundaries of dogmatism, and to ascertain, after having shaken off this dead weight, how far we might proceed in the regions of the supersensual. His great merit was to prove that our transcending certain limits leads to nothing but to mere assumptions; whether such assumptions and surmises are necessary for certain emotional purposes, he does not decide. He affirms our capacity of becoming conscious of perceptions, and tries to trace the con-

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ditions under which perceptions may be systematised, and thus increase our scientific acquirements.

His philosophy is, therefore, not sceptic, but critical. His very first principle, in starting on the thorny path of philosophy, was "never to take an assertion for granted, without having carefully examined it." "Neither affirm nor deny without the most minute investigation."

Who does not see, in these propositions, the germ of our modern mode of thinking; who does not perceive that the intellectual development of humanity was to be based on principles differing totally from those of antiquated authority or blind faith? He was by no means an "anti-dogmatist;" he only looked on dogmatic metaphysics and experimental philosophy as two unknown quantities. The more the latter increased, the more the former decreased in value; till, when experimental philosophy went over into scepticism, the standpoint of metaphysics was brought down to *zero*. At this point Kant pronounced it not only valueless, but utterly useless. The mere playing with words on words, dialectical contortions and distortions, metaphysical writhings and grimaces, were utterly repulsive to his noble, straightforward nature. The power that thought in us, and was conscious of this process, namely, mind, he not only recognised, but tried to discipline.

He began his philosophical studies in 1740, and thirty years later, he founded his new system. The first work with which he inaugurated his new method of reasoning was published in 1768, and his last appeared in 1798, again after exactly thirty years of mature reflection. Each decennary had its task. During the first three he approaches, step by step, the solution of his system, whilst during the last three we see him applying his discovery, and bringing his system to perfection. During the first two decennaries (1740-1760), Kant investigates and follows up the postulates of the Leibnitz-Wolf philosophy; during the third (1760-1770), he is occupied with an analysis of the leading English philosophers, especially with Hume's scepticism; and in 1770 he raises himself far above the dogmatic metaphysicians and the dry experi-

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mentalists, and takes his own lofty position. During the fourth decennary he is silent; during the fifth, he publishes his "Critique of Pure Reason" (1780-1790), defines the extent to which we may trust our power to draw conclusions, and tries, in this last decennary, to apply his well-founded system to solve the positive problems of Universal History.

During the first period, he enters into an inquiry on the moving forces of the universe, and endeavours to establish a nexus between cause and effect.

During the second period, he traces the possibility or impossibility of proving a first cause. If cause, why first, and how so first? He then comes to the only possible mode of proving the existence of a first cause, namely — the ontological. Out of the mere notion "God," the existence of God cannot be proved; but taking all the attributes necessary to form the conception of God, such a being may not only be assumed to exist, but must necessarily exist. In following up Kant's critical reasoning, we arrive at a mathematical conviction of the existence of God, which is of greater value than the mere dogmatic assumption. Anything not in itself contradictory is cognisable, say the idealists. Only that is cognisable which exists, say the realists. Supposing nothing existed, then we could think nothing. In denying these two conditions, we should deny every intellectual and material possibility. Assuming that something is possible, we must look upon it as the sequence of something that existed previously. There must be for everything a final cause. This final cause cannot be denied; its existence, on the contrary, must be assumed. There must be a something before anything is possible, without which nothing could be possible. This necessary existence may be conceived as indivisible in its essence, simple in its element, spiritual in its being, eternal in its duration, unchangeable in its condition—in one word, it must be GOD! This once enunciated and assumed, he went a step further and examined the *modus operandi* of our mind with its intellectual and reasoning faculties. What, he asked, is within the range of real cognition? He compares

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metaphysics and mathematics, and finds, that whilst the former is entirely based on analysis, the latter is founded on synthesis.

By drawing a strict distinction between *analytic* and *synthetic* conclusions, Kant created an entirely new standpoint for all our studies. He distinguishes between the emotional, as our moral and æsthetical, and between the intellectual, as our reasoning and scientific faculties. As morals and beauty, so are strict reasoning and science analogous elements. Here he is at issue with Hume, who assumes analysis as the basis in mathematics. Kant asserts the very opposite. Quantities and forms are the objects of mathematics; but these quantities and forms are not given but constructed; they are combined, built up synthetically. To become conscious of a triangle is to construct the required formal conditions, enabling us to perceive in them a triangle; whilst metaphysicians have only analysis at their command.

Analytic judgments or conclusions are those in which the predicate is already contained in the subject, by which a part of a whole is merely detached. In the assertion, "God is omnipotent," I detach an attribute of the subject God, and assert in reality nothing but that God is God. For if I have a conception of God, I have also a knowledge of his omnipotence. Such conclusions as these may be very ingenious, but they do not contribute to a widening of our knowledge.

Synthetic conclusions are those in which a predicate is joined to a subject which is altogether extraneous, too often apparently in contradiction with it. As "water freezes." I have to prove how, under what conditions, and why water freezes. I have to know what water and what freezing is; whether in such a condition water ceases to be a fluid, and if it cease, what is its condition in a state of crystallisation; what are crystals; does water in a frozen condition still contain heat; what is heat; how can heat be latent in ice; does water freeze if mixed with salt; why should it freeze with greater difficulty, if so mixed. The amount of knowledge acquired through synthetic conclusions is ever increasing.

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Analysis is a mere repetition of the same things. Kant took a mediating position between Descartes and Leibnitz, between Leibnitz and Newton, between Wolf and Crusius, and between Crusius and Hume. Between the English experimentalists and German metaphysicians there appeared always to be an insurmountable gulf. Kant tried to bridge over this gulf. Metaphysics were to be turned into an experimental science. He establishes the principles of natural theology and morals out of the very properties of things, though we may for ever remain ignorant of their real essence. With reference to the existence of the divinity, he tried this with his ontological proof. With reference to morals, he proceeded in the same way. Every moral action must have an aim or purpose—either an aim for another secondary aim, or for its own final purpose. In both instances, the action is caused and necessary; but in the first instance, it is conditional, and in the second, unconditional. An action done for a secondary purpose, for hope of reward, or for fear of punishment, is at the utmost right, clever or reasonable, but it is not absolutely moral. In order to become moral, it must be done unconditionally, for its own sake. This led him to the contemplation of the beautiful, which Hutcheson and Shaftesbury before him closely connected with our moral feelings. Morals and æsthetics are so closely allied that our moral feelings are but a *taste* for right action. Shaftesbury calls morals the beautiful in our emotions, the harmony in our sentiments, the right proportion between our self-love and benevolence. Virtue is beauty of action; our sense of virtue is but our æsthetical feeling put into practice, whilst Art puts it into forms. Virtue and taste are innate forces in human nature, like any other faculty of our mind; but they have to be developed, cultivated, and fostered. For morals and æsthetics have one common root—they complete one another. Art was thus elevated to its very highest standard. How Kant's lofty and sublime ideas influenced poetry may be best studied in the works of the immortal Schiller, whose writings are permeated with Kant's theories and principles. To suggest was the principal aim of all

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his writings of this period. The student was not to be filled with given thoughts; he was to be excited to think; he was neither to be carried nor led; he was to be made to walk for himself. "In inverting this method of teaching, the students pick up some kind of reasoning before ever their intellect has been cultivated, and they carry about a mere borrowed science. This is the cause that we meet with learned men, who have so little intellect, and why our academies send so many more muddled (abgeschmackte) heads into the world than any other state of the community."

During the third period of his mental evolution, Kant occupied himself with a close investigation of our mental functions. Psychology and physiology are with him not separated, but closely united studies. The workings of the brain and the mind were, in his eyes, in close relation, and he attributed all visions, fanaticism, melancholy, and sentimental amativeness to a greater or lesser degree of mental aberration, the cause of which must be sought in the derangement of our cerebral organs.

If the phantoms of our imagination turn into visions; if our inner sensations become outwardly perceptible, our senses are in a state of dream. If our reason assumes certain conceptions of its own as realities, our reason is in a state of dream. "There are emotional dreams, and there are dreams of our intellectual faculty. Visions belong to the first class; metaphysics undoubtedly to the second." He thus arrives at a point when metaphysics and madness are treated as equal abberrations of our emotional and mental nature, though their origin is distinct, according to our different organisations. Dogmatists and metaphysicians, visionaries, and ghost-seers, are declared to be but "airy architects of imaginary worlds." Let them dream on as long as they like—that they but dream, becomes day by day clearer. Metaphysics were developed by Kant's inquiries into a study to make ourselves acquainted with the *limitation of human reason.* We may, with its aid, as Goethe says, in a Kantian sense

> "There see that you can clearly explain
> What fits not into the human brain."

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This slow and gradual destruction of all hollow knowledge led us to a greater culture of those sciences which are possible, and have become an ever-growing barrier to false and credulous sentimentalism and emotional dogmatism. The "supersensual" is not within the boundaries of human reason. Transcendental philosophy has to deal with experience, and not to ignore it. No knowledge is possible beyond the domains of our direct perceptions; of the essence of things we know nothing; the noumenal is and must remain to us a mystery; the phenomenal is within our intellectual grasp. An absolute psychology, cosmology, or theology, is impossible. Kant thus does not deny the existence of the "supersensual," he only denies our faculty of becoming cognisant of it. What an immense stride towards a really *human*, and at the same time, *humane*, investigation of all those elements which ought to form the basis of our possible studies. Kant then goes further, and proves, with his trenchant power of criticism, that morals are independent of metaphysics, that humanity in general, and every individual in particular, carry the regulating force of morals already in their very organisation. He distinguishes between *opinion, faith*, and *knowledge*. We may have reasons to make a statement, but these reasons may be based on an utterly *subjective* conviction. Such a conviction is but an opinion, and does not exclude doubt; if, however, our convictions are based on objective observation, our opinion rises into the reliable domain of *knowledge;* if, again, our convictions are based on subjective elements, supported by doubtful objective proofs, we may individually be convinced of certain assumed facts, we may believe in them, but we do not know. In applying these important distinctions to the whole sphere of our intellectual and material world, we were induced by Kant to draw more definite distinctions between the possible and impossible, the necessary and merely accidental. In the mighty circle of religion, we have to bear three points in view. (1.) If all faith in a supernatural world be based on morals (ethic action), religion cannot have any other essential and real object than a purely

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moral one; all elements that do not foster pure morality will be secondary, strange, indifferent, or even dangerous. Religion, in fact, with Kant, becomes pure ethics. (2.) Ethics are not based on a strictly scientific cognition, or theoretical conviction, but on moral actions and practical necessity. Not theoretical assumptions, but practical reason, becomes thus the basis of religious faith. (3.) Granting this, it follows that our practical reason is independent of mere theological assertions that it discards, as will and moral force, all such boundaries as are erected by speculation, and drives us to conform to laws which must be common to the whole of humanity.

During the fourth period he is silent. The storm of sceptic doubt was conquered. In this period we best perceive the positive results of the convulsions which brought forth criticism instead of scepticism, for though we acknowledge the force of doubt, we think it should be subject to a regulating higher power, viz., criticism. During the fifth period, he shakes off the fetters of idealism and materialism, and defines in his "Critique of Pure Reason," the boundaries of man's understanding. In accomplishing this, he assumes two principles upon which all knowledge and philosophy must rest. The one is idealistic—subjective, and the other empirical—objective. The inborn intellectual faculty—mind can as little be neglected as the outer world with its impressions acting on our idealistic subjectivity. He then founded cosmology, worked out by Alex. Humboldt; Geology by Leopold Buch and Sir Charles Lyell;* and then he paved the way to the theory of Darwinism, or the theory of the gradual development of matter; he excited to anthropology and ethnology, for he strove through experience to trace law in all the phenomena surrounding us, in nature as well as in the subtle regions of our mental operations.

These principles changed the whole system of our philosophical and historical studies. Creation was not assumed to have taken place, according to a certain dictum; but we had

* Whose recent death we must all deeply regret, though he has left us his immortal works as the most glorious monument of his earthly existence.

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to investigate the earth's crust to see how far we might trace the gradual formation of our globe. Kant's method produced comparative philology and mythology. Language was not to be a settled gift, but was to be traced back to its first origin; this was the case with the different religions of ancient times. We were not to suppose that millions were left without religious comfort, but to investigate and ascertain how far the religious systems are rooted in the impressions of nature, how far they represent the moral and social condition of certain groups of mankind. This distinction led to a closer study of the nature of man, leading to biology and sociology; but, above all, to a deeper and systematic study of history. There is no branch of learning which should be cultivated with greater care than history; that is, history from a scientific point of view. What appears in single individuals as mere chance, or the result of coincidence, might perhaps be looked upon as subject to law like any other natural phenomenon; though, in the latter case, unconscious material particles are the elements; whilst in history, man with his consciousness, his assumed free will, passions, intellectual and bodily faculties, is the complicated agent. Kant affirmed (he can claim the honour of having been the first to do so) in 1784, when statistical tables were still in their infancy, that in looking on humanity as a whole, apparently disconnected incidents might be brought under the sway of certain laws acting with stern regularity. He drew attention to the complicated phenomena of the changes in the weather, the growth of plants under certain climatological conditions, the course of streams and their influence on the progress of civilization. Individuals, like whole nations, are entirely unconscious of the fact that, whilst they appear to work against one another, or have only their own egotistic aims in view, they are working according to certain laws to accomplish the grand destiny of mankind. If it may be assumed as an axiom "that the natural capacities of a creature have to develop according to a purpose," we may assert that this must be the case with man too. Applied to animals, we find this law obeyed, and producing natural selec-

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tion. Any organ not wanted is thrown off. Taking man, we find that though he is the only conscious reasoning creature on earth, his natural capacities are destined to be developed in the genus and not in the individual. Thus the study of a single individual is like the analysis of a single insect without any cognisance of the different varieties of animals. Historical progress is not only the result of the exertions of single individuals, but those very individuals are but the outgrowths of generations after generations, inheriting their mode of thinking and acting, and finally maturing the innate intellectual germ to a fruit which, in its turn, is again the seed of further developments. For the First Cause has willed that man, if we except the automatic functions of his animal nature, should evolve everything necessary for his happiness and perfection, in opposition to his natural instincts out of his own reason—or rather out of the sum total of reason existing in humanity. "The means which nature employs to attain this aim" is, according to Kant, "antagonism,"—which in its turn becomes the very basis of legal order and social comfort. History is but one long series of wars, murders, conquests, intrigues, opposition of individuals against individuals, of families against families, of tribes against tribes, and of nations against nations, as if man only delighted in destruction and ruin. But is this so? On the contrary, what unphilosophical minds bewail, is but a process in operation to attain in the end the greatest amount of happiness for mankind. Man was not destined to be idle; but he has to learn how to use his bodily and intellectual faculties.

Wars, controversies, passions, and strife, lead to activity, and activity is life. Wars engender peace; controversies, truth; covetousness, commercial enterprise; passion, virtue; and strife, brotherly love and good-will. Antagonism drives us to seek the solution of the only problem that should occupy humanity, to form one grand community, ruled by the laws of right. The most ingenious institutions, all our philosophical systems, all our religious efforts, are but continuous progressive attempts to lead humanity from a savage state to that of

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civilization. To further the solution of this difficult problem, we want a guide, a leader, and this we find in the consciousness of our nature and knowledge of the past, which make us acquainted with our destiny. We have not to look to an individual for guidance, but to the supreme principles of right. Individual bonds are only instruments that watch over these principles and see them practised. The problem of a perfect constitution of humanity will only be attained when man will form a grand international tribunal which will settle the disputes of nations according to just laws, binding on humanity at large. As Kant saw in his mind's eye the necessity for the existence of a planet beyond Saturn, the then last known planet of our solar system (1754), which planet, "Uranus," was discovered twenty-six years later by Herschel (1781); so he foresaw in 1784 that which America and England inaugurated in Geneva nearly ninety years later—an international tribunal settling the disputes of two of the greatest nations of the world, at a table covered with green baize, by means of quiet arguments, and not on blood-stained battlefields, with the sacrifice of wealth, happiness, and the lives of innumerable human beings. Kant clearly saw that history is but the outer garb of inward forces, working in humanity according to a pre-arranged law, which law must be assumed to be as fixed as that by which the solar systems are brought into order and cohesion. The endeavour of modern historians should be to trace this law.

Law has to deal with forces, producing as causes, effects, and these forces must act and react, because a stationary force would be lifeless; the two forces working in antagonism and conflict can but be our moral and intellectual faculties, which in their disturbed balances explain all the phenomena of history. Kant must be looked upon as the real founder of modern thought, for his ideas, like those of every powerful mind, pervade our whole intellectual and social atmosphere.

The writers following Kant, whether in England or France, consciously or unconsciously, continue in the path which he began to hew out for coming generations. Fichte, his antag-

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onist, really strengthened the position he attacked. Schelling worked out, like Comte, with copious verbosity, Kant's principles. Their terminology differs from that of Kant, but in essence they add nothing to his first principles. Schelling proclaims his Immanence of Spirit in Nature, which immanence we can only trace in law. In asserting that the universe has its ground in what in God is not God—Schelling deviates from Kant, and leads us to the Pythagorean Monad and Dyad, a severance of mind and matter, or of God and creation, which is mere verbiage.

Hegel built on Kant with the difference that with him the subjective becomes the absolute, whilst the objective is turned into the differentiation of the absolute, adding to these phenomena a third one when the absolute turns from its externality back into itself.

Schoppenhauer and Hartmann continued to develop Kant's principles in an idealistic direction, whilst the host of naturalists, geologists, physiologists, biologists, psychologists, ethnologists, and comparative grammarians, follow him, cured of all cravings after the supersensual and try to ascertain what we may learn in the ever-varying empire of the phenomenal.

Kant did not destroy thrones; he made no kings or kinglets; he did not brandish a blood-stained sword, command armies, hold levées, create marshalls, commanders-in-chief, shoot free-thinking men, or trample under foot the rights of nations and individuals, like so many a phantom of glory, that could only be reared in the chaotic disorder of our ill-balanced moral and intellectual forces. Unlike these, he did not vanish like a thunder-storm, which purifies the air, but leaves wreck and ruin behind.

The mighty warriors often are like swollen mountain-streams after a violent shower; bubbling noisily, these streams rush down in torrents, tear down fences and houses, inundate plains and fields, carrying devastation in every one of their waves, and then disappear: whilst the philosopher, of the stamp of the great and immortal Kant, resembles a broad and majestic intellectual river, cutting deeply through mountains,

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meadows, fields, villages, and towns; flowing slowly and noiselessly, but spreading happiness, fertility, and abundance around; serving as a mighty high road to connect nations, through their most noble outgrowths, their philosophers and searchers for truth, into one grand progressively advancing community.

The great and inexhaustible means of furthering this union is an indefatigable study of history. For is it not a calumny of the Creator, whose wisdom we continually praise in a thousand tongues, to assume that we ought to study only certain of His works, and neglect altogether man in his gradual development as the Creator's fairest product? In the unconscious regions of the empire of nature, in stars and nebulæ, solar systems, crystallisations and chemical combinations, we trace wisdom, law, and order; only the stages of man's intellectual activity, as they present themselves in history, are looked upon as an eternal reproach to the Creator, who is assumed to have acted on firm principles in the minutest of His inorganic or organic creatures, but who is thought to have left humanity without aim, law, or purpose, on this globe, so that we are forced to turn our eyes despairingly from this world, and to hope for the fulfilment of our destiny in unknown regions.

History, treated from a scientific point of view, teaches us that this is not the case.

History, as it is usually written, without the basis of a general principle, or merely as an accumulation of disconnected facts, state-enactments, or copied documents, collected in musty archives, is only very useful building material, out of which we have to construct an intelligible and comprehensive system of history. It is distressing to contemplate what later generations may do with history if details grow in the ratio of the last few hundred years. Unfortunately professed historians ignorant as they too often are, assert that "history is a mere child's box of letters, out of which the historian picks what he wants to spell out;" but this is the view of a narrow-minded state-paper copyist, and not of a philosophical his-

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torian, whose aim can never be to glorify individuals, or to distort facts according to the wants of a party or the fashion of a period, but to look upon humanity as one great whole, and to trace in its complicated actions, order based on law.

The historical world is as little barred as the ideal world—both are open; it is our faculty of seeing blinded by details, it is our mind confused by isolated facts, that will or cannot comprehend the stern law that drives man towards his real destiny—the greatest possible happiness of all united into one common brotherhood.

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THE HISTORY OF LANDHOLDING IN ENGLAND.

By JOSEPH FISHER, Esq.,
Fellow of the Royal Historical Society.

I DO not propose to enter upon the system of landholding in Scotland or Ireland, which appears to me to bear the stamp of the Celtic origin of the people, and which was preserved in Ireland long after it had disappeared in other European countries formerly inhabited by the Celts. That ancient race may be regarded as the original settlers of a large portion of the European continent, and its land system possesses a remarkable affinity to that of the Slavonic, the Hindoo, and even the New Zealand races. It was originally Patriarchal, and then Tribal, and was Communistic in its character.

I do not pretend to great originality in my views. My efforts have been to collect the scattered rays of light, and to bring them to bear upon one interesting topic. The present is the child of the past. The ideas of bygone races affect the practices of living people. We form but parts of a whole; we are influenced by those who preceded us, and we shall influence those who come after us. Men cannot disassociate themselves either from the past or the future.

In looking at this question there is, I think, a vast difference which has not been sufficiently recognised. It is the broad distinction between the system arising out of the original occupation of land, and that proceeding out of the necessities of conquest; perhaps I should add a third—the complex system proceeding from an amalgamation, or from the existence of both systems in the same nation. Some countries have been so repeatedly swept over by the tide of conquest

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that but little of the aboriginal ideas or systems have survived the flood. Others have submitted to a change of governors and preserved their customary laws; while in others there has been such a fusion of the two systems that we cannot decide which of the ingredients was the older, except by a process of analysis, and a comparison of the several products of the alembic with the recognised institutions of the class of original, or of invading peoples.

Efforts have been made, and not with very great success, to define the principle which governed the more ancient races with regard to the possession of land. While unoccupied or unappropriated, it was common to every settler. It existed for the use of the whole human race. The process by which that which was common to all, became the possession of the individual, has not been clearly stated. The earlier settlers were either individuals, families, tribes, or nations. In some cases they were nomadic, and used the natural products without taking possession of the land; in others they occupied districts differently defined. The individual was the unit of the family, the patriarch of the tribe. The commune was formed to afford mutual protection. Each sept or tribe in the early enjoyment of the products of the district it selected was governed by its own customary laws. The cohesion of these tribes into states was a slow process; the adoption of a general system of government still slower. The disintegration of the tribal system, and dissolution of the commune, was not evolved out of the original elements of the system itself, but was the effect of conquest; and, as far as I can discover, the appropriation to individuals of land which was common to all, was mainly brought about by conquest, and was guided by impulse, rather than regulated by principle.

Mr Locke thinks that an individual became sole owner of a part of the common heritage by mixing his labour with the land, in fencing it, making wells, or building; and he illustrates his position by the appropriation of wild animals, which are common to all sportsmen, but become the property of him who captures or kills them. This acute thinker seems to me

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to have fallen into a mistake by confounding *land* with *labour*. The improvements were the property of the man who made them, but it by no means follows that the expenditure of labour on land gave any greater right than to the labour itself or its representative.

It may not be out of place here to allude to the use of the word *property* with reference to land, *property*—from *propria*, my own self—is something pertaining to man. I have a property in myself. I have the right to be free. All that proceeds from myself, my thoughts, my writings, my works, are property; but no man made land, and therefore it is not property. This incorrect application of the word is the more striking in England, where the largest title a man can have is "tenancy in fee," and a tenant holds but does not own.

Sir William Blackstone places the possession of land upon a different principle. He says that, as society became formed, its instinct was to preserve the peace; and as a man who had taken possession of land could not be disturbed without using force, each man continued to enjoy the use of that which he had taken out of the common stock, but, he adds, that right only lasted as long as the man lived. Death put him out of possession, and he could not give to another that which he ceased to possess himself.

Vattel (book i., chap. vii.) tells us that "the whole earth is destined to feed its inhabitants; but this it would be incapable of doing if it were uncultivated. Every nation is then obliged by the law of nature to cultivate the land that has fallen to its share, and it has no right to enlarge its boundaries or have recourse to the assistance of other nations, but in proportion as the land in its possession is incapable of furnishing it with necessaries." He adds (chap. xx.), "When a nation in a body takes possession of a country, everything that is not divided among its members remains common to the whole nation, and is called public property."

An ancient Irish tract, which forms part of the Senchus Mor, and is supposed to be a portion of the Brehon code, and traceable to the time of St Patrick, speaks of land in a

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poetically symbolic, but actually realistic, manner, and says, "Land is perpetual man." All the ingredients of our physical frame come from the soil. The food we require and enjoy, the clothing which enwraps us, the fire which warms us, all save the vital spark that constitutes life, is of the land, hence it is "*perpetual man.*" Selden ("Titles of Honour," p. 27), when treating of the title, "King of Kings," refers to the eastern custom of homage, which consisted not in offering the person, but the elements which composed the person, *earth* and *water*—"*the perpetual man*" of the Brehons—to the conqueror. He says:

"So that both titles, those of King of Kings and Great King, were common to those emperors of the two first empires; as also (if we believe the story of Judith) that ceremonies of receiving an acknowledgment of regal supremacy (which, by the way, I note here, because it was as homage received by kings in that time from such princes or people as should acknowledge themselves under their subjection) by acceptance upon their demand of *earth* and *water*. This demand is often spoken of as used by the Persian, and a special example of it is in Darius' letters to Induthyr, King of the Scythians, when he first invites him to the field; but if he would not, then bringing to your sovereign as gifts earth and water, come to a parley. And one of Xerxes' ambassadors that came to demand earth and water from the state of Lacedæmon, to satisfy him, was thrust into a well and earth cast upon him."

The earlier races seem to me, either by reasoning or by instinct, to have arrived at the conclusion that every man was, in right of his being, entitled to food; that food was a product of the land, and therefore every man was entitled to the possession of land, otherwise his life depended upon the will of another. The Romans acted on a different principle, which was "the spoil to the victors." He who could not defend and retain his possessions became the slave of the conqueror, all the rights of the vanquished passed to the victor, who took and enjoyed as ample rights to land as those naturally possessed by the aborigines.

The system of landholding varies in different countries, and

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we cannot discover any idea of abstract right underlying the various differing systems; they are the outcome of law, the will of the sovereign power, which is liable to change with circumstances. The word *law* appears to be used to express two distinct sentiments; one, the will of the sovereign power, which, being accompanied with a penalty, bears on its face the idea that it may be broken by the individual who pays the penalty: "Thou shalt not eat of the fruit of the tree, for on the day thou eatest thereof thou shalt die," was a law. All laws, whether emanating from an absolute monarch or from the representatives of the majority of a state, are mere expressions of the will of the sovereign power, which may be exacted by force. The second use of the word *law* is a record of our experience—*e.g.*, we see the tides ebb and flow, and conclude it is done in obedience to the will of a sovereign power; but the word in that sense does not imply any violation or any punishment. A distinction must also be drawn between laws and codes; the former existed before the latter. The *lex non scripta* prevailed before letters were invented. Every command of the Decalogue was issued, and punishment followed for its breach, before the existence of the engraved tables. The Brehon code, the Justinian code, the Draconian code, were compilations of existing laws; and the same may be said of the common or customary law of England, of France, and of Germany.

I am aware that recent analytical writers have sought to associate *law* with *force*, and to hold that law is a command, and must have behind it sufficient force to compel submission. These writers find at the outset of their examination, that customary law, the "*Lex non scripta*," existed before force, and that the nomination to sovereign power was the outcome of the more ancient customary law. These laws appear based upon the idea of common good, and to have been supported by the "posse comitatus" before standing armies or state constabularies were formed. Vattel says (book i., chap. ii.), "It is evident that men form a political society, and submit to laws solely for their own advantage and safety. The sovereign

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authority is then established only for the common good of all the citizens. The sovereign thus clothed with the public authority, with everything that constitutes the moral personality of the nation, of course becomes bound by the moral obligations of that nation and invested with its rights." It appears evident, that customary law was the will of small communities, when they were sovereign; that the cohesion of such communities was a confirmation of the customs of each, that the election of a monarch or a parliament was a recognition of these customs, and that the moral and material *force* or power of the sovereign was the outcome of existing laws, and a confirmation thereof. The application of the united force of the nation could be rightfully directed to the requirements of ancient, though unwritten customary law, and it could only be displaced by legislation, in which those concerned took part.

The duty of the sovereign (which in the United Kingdom means the Crown, and the two branches of the legislature) with regard to land, is thus described by Vattel:

"Of all arts, tillage or agriculture is doubtless the most useful and necessary, as being the source whence the nation derives its subsistence. The cultivation of the soil causes it to produce an infinite increase. It forms the surest resource, and the most solid fund of riches and commerce for a nation that enjoys a happy climate. The sovereign ought to neglect no means of rendering the land under his jurisdiction as well cultivated as possible. . . . Notwithstanding the introduction of private property among the citizens, the nation has still the right to take the most effectual measures to cause the aggregate soil of the country to produce the greatest and most advantageous revenue possible. The cultivation of the soil deserves the attention of the Government, not only on account of the invaluable advantages that flow from it, but from its being an obligation imposed by nature on mankind."

Sir Henry Maine thinks that there are traces in England of the commune or *mark* system in the village communities which are believed to have existed, but these traces are very faint. The subsequent changes were inherent in, and developed by, the various conquests that swept over England; even

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that ancient class of holdings called "Borough English," are a development of a warlike system, under which each son, as he came to manhood, entered upon the wars, and left the patrimonial lands to the youngest son. The system of gavelkind which prevailed in the kingdom of Kent, survived the accession of William of Normandy, and was partially effaced in the reign of Henry VII. It was not the aboriginal or communistic system, but one of its many successors.

The various systems may have run one into the other, but I think there are sufficiently distinct features to place them in the following order:

1st. The *Aboriginal.*

2d. The *Roman.* Population about 1,500,000.

3d. The *Scandinavian* under the Anglo-Saxon and Danish kings—A.D. 450 to A.D. 1066. The population in 1066 was 2,150,000.

4th. The *Norman,* from A.D. 1066 to A.D. 1154. The population in the latter year was 3,350,000.

5th. The *Plantagenet,* from 1154 to 1485; in the latter the population was 4,000,000.

6th. The *Tudor,* 1485 to 1603, when the population was 5,000,000.

7th. The *Stuarts,* 1603 to 1714, the population having risen to 5,750,000.

8th. The *Present,* from 1714. Down to 1820 the soil supported the population; now about one-half lives upon food produced in other countries. In 1874 the population was 23,648,607.

Each of these periods has its own characteristic, but as I must compress my remarks, you must excuse my passing rapidly from one to the other.

I. THE ABORIGINES.

The aboriginal period is wrapped in darkness, and I cannot with certainty say whether the system that prevailed was Celtic and Tribal. An old French customary, in a MS.,

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treating upon the antiquity of tenures, says: "The first English king divided the land into four parts. He gave one part to the *Arch Flamens* to pray for him and his posterity. A second part he gave to the earls and nobility, to do him knight's service. A third part he divided among husbandmen, to hold of him in socage. The fourth he gave to mechanical persons to hold in burgage." The terms used apply to a much more recent period and more modern ideas.

Cæsar tells us "that the island of Britain abounds in cattle, and the greatest part of those within the country never sow their land, but live on flesh and milk. The sea-coasts are inhabited by colonies from Belgium, which, having established themselves in Britain, began to cultivate the soil."

Diodorus Siculus says, "The Britons, when they have reaped their corn, by cutting the ears from the stubble, lay them up for preservation in subterranean caves or granaries. From thence, they say, in very ancient times, they used to take a certain quantity of ears out every day, and having dried and bruised the grains, made a kind of food for their immediate use."

Jeffrey of Monmouth relates that one of the laws of Dunwalls Molnutus, who is said to have reigned B.C. 500, enacted that the ploughs of the husbandmen, as well as the temples of the gods, should be sanctuaries to such criminals as fled to them for protection.

Tacitus states that the Britons were not a free people, but were under subjection to many different kings.

Dr Henry, quoting Tacitus, says, "In the ancient German and British nation the whole riches of the people consisted in their flocks and herds; the laws of succession were few and simple: a man's cattle, at his death, were equally divided among his sons; or, if he had no sons, his daughters; or, if he had no children, among his nearest relations. These nations seem to have had no idea of the rights of primogeniture, or that the eldest son had any title to a larger share of his father's effects than the youngest."

The population of England was scanty, and did not prob-

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ably exceed a million of inhabitants. They were split up into a vast number of petty chieftainries or kingdoms; there was no cohesion; no means of communication between them; there was no sovereign power which could call out and combine the whole strength of the nation. No single chieftain could oppose to the Romans a greater force than that of one of its legions, and when a footing was obtained in the island, the war became one of detail; it was a provincial rather than a national contest. The brave, though untrained and ill-disciplined warriors, fell before the Romans, just as the Red Man of North America was vanquished by the English settlers.

II. THE ROMAN.

The Romans acted with regard to all conquered nations upon the maxim, "To the victors the spoils." Britain was no exception. The Romans were the first to discover or create an *estate of uses* in land, as distinct from an estate of possession. The more ancient nations, the Jews and the Greeks, never recognised *the estate of uses*, though there is some indication of it in the relation established by Joseph in Egypt, when, during the years of famine, he purchased for Pharaoh the lands of the people. The Romans having seized upon lands in Italy belonging to conquered nations, considered them public lands, and rented them to the soldiery, thus retaining for the state the estate in the lands, but giving the occupier an estate of uses. The rent of these public lands was fixed at one-tenth of the produce, and this was termed *usufruct*—the use of the fruits.

The British chiefs, who submitted to the Romans, were subjected to a tribute or rent in corn; it varied, according to circumstances, from one-fifth to one-twentieth of the produce. The grower was bound to deliver it at the prescribed places. This was felt to be a great hardship, as they were often obliged to carry the grain great distances, or pay a bribe to be excused. This oppressive law was altered by Julius Agricola.

The Romans patronised agriculture. Cato says, "When

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the Romans designed to bestow the highest praise on a good man, they used to say he understood agriculture well, and is an excellent husbandman, for this was esteemed the greatest and most honourable character." Their system produced a great alteration in Britain, and converted it into the most plentiful province of the empire; it produced sufficient corn for its own inhabitants, for the Roman legions, and also afforded a great surplus, which was sent up the Rhine. The Emperor Julian built new granaries in Germany, in which he stored the corn brought from Britain. Agriculture had greatly improved in England under the Romans.

The Romans do not appear to have established in England any military tenures of land, such as those they created along the Danube and the Rhine; nor do they appear to have taken possession of the land; the tax they imposed upon it, though paid in kind, was more of the nature of a tribute than a rent. Though some of the best of the soldiers in the Roman legions were Britons, yet their rule completely enervated the aboriginal inhabitants—they were left without leaders, without cohesion. Their land was held by permission of the conquerors. The wall erected at so much labour in the north of England proved a less effectual barrier against the incursions of the Picts and Scots than the living barrier of armed men which, at a later period, successfully repelled their invasions. The Roman rule affords another example that material prosperity cannot secure the liberties of a people, that they must be armed and prepared to repel by force any aggression upon their liberty or their estates.

"Who will be free *themselves* must strike the blow."

The prosperous "Britons," who were left by the Romans in possession of the island, were but feeble representatives of those who, under Caractacus and Boadicea, did not shrink from combat with the legions of Cæsar. Uninured to arms, and accustomed to obedience, they looked for a fresh master, and sunk into servitude and serfdom, from which they never emerged. Yet under the Romans they had thriven and

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increased in material wealth; the island abounded in numerous flocks and herds; and agriculture, which was encouraged by the Romans, flourished. This wealth was but one of the temptations to the invaders, who seized not only upon the movable wealth of the natives, but also upon the land, and divided it among themselves.

The warlike portion of the aboriginal inhabitants appear to have joined the Cymri and retired westwards. Their system of landholding was non-feudal, inasmuch as each man's land was divided among all his sons. One of the laws of Hoel Dha, King of Wales in the tenth century, decreed "that the youngest son shall have an equal share of the estate with the eldest son, and that when the brothers have divided their father's estate among them, the youngest son shall have the best house, with all the office houses; the implements of husbandry, his father's kettle, his axe for cutting wood, and his knife; these three last things the father cannot give away by gift, nor leave by his last will to any but his youngest son, and if they are pledged they shall be redeemed." It may not be out of place here to say that this custom continued to exist in Wales; and on its conquest Edward I. ordained, "Whereas the custom is otherwise in Wales than England concerning succession to an inheritance, inasmuch as the inheritance is partible among the heirs-male, and from time whereof the memory of man is not to the contrary hath been partible, Our Lord the King will not have such custom abrogated, but willeth that inheritance shall remain partible among like heirs as it was wont to be, with this exception that bastards shall from henceforth not inherit, and also have portions with the lawful heirs; and if it shall happen that any inheritance should hereafter, upon failure of heirs-male, descend to females, the lawful heirs of their ancestors last served thereof. We will, of our especial grace, that the same women shall have their portions thereof, to be assigned to them in our court, although this be contrary to the custom of Wales before used."

The land system of Wales, so recognised and regulated by

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Edward I., remained unchanged until the reign of the first Tudor monarch. Its existence raises the presumption that the aboriginal system of landholding in England gave each son a share of his father's land, and, if so, it did not correspond with the Germanic system described by Cæsar, nor with the Tribal system of the Celts in Ireland, nor with the Feudal system subsequently introduced.

The polity of the Romans, which endured in Gaul, Spain, and Italy, and tinged the laws and usages of these countries after they had been occupied by the Goths, totally disappeared in England; and even Christianity, which partially prevailed under the Romans, was submerged beneath the flood of invasion. Save the material evidence of the footprints of "the masters of the world" in the Roman roads, Roman wall, and some other structures, there is no trace of the Romans in England. Their polity, laws, and language alike vanished, and did not reappear for centuries, when their laws and language were reimported.

I should not be disposed to estimate the population of England and Wales, at the retirement of the Romans, at more that 1,500,000. They were like a flock of sheep without masters, and, deprived of the watch-dogs which overawed and protected them, fell an easy prey to the invaders.

III. THE SCANDINAVIANS.

The Roman legions and the outlying semi-military settlements along the Rhine and the Danube, forming a cordon reaching from the German Ocean to the Black Sea, kept back the tide of barbarians, but the volume of force accumulated behind the barrier, and at length it poured in an overwhelming and destructive tide over the fair and fertile provinces whose weak and effeminate people offered but a feeble resistance to the robust armies of the north. The Romans, under the instruction of Cæsar and Tacitus, had a faint idea of the usages of the people inhabiting the verge that lay around the Roman dominions, but they had no

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knowledge of the influences that prevailed in "the womb of nations," as Central Europe appeared to the Latins, who saw emerging therefrom hosts of warriors, bearing with them their wives, their children, and their portable effects, determined to win a settlement amid the fertile regions owned and improved by the Romans.

These incursions were not Colonisation in the sense in which Rome understood it; they were the migrations of a people, and were as full, as complete, and as extensive as the Israelitish invasion of Canaan—they were more destructive of property, but less fatal to life. These migratory hosts left a desert behind them, and they either gained a settlement or perished. The Roman colonies preserved their connection with the parent stem, and invoked aid when in need; but the barbarian hosts had no home, no reserves. Other races, moving with similar intent, settled on the land they had vacated. These brought their own social arrangements, and it is very difficult to connect the land system established by the aborigines with the system which, after a lapse of some hundreds of years, was found to prevail in another tribe or nation which had occupied the region that had been vacated.

Neither Cæsar nor Tacitus give us any idea of the habits or usages of the people who lived north of the Belgæ. They had no notion of Scandinavia nor of Sclavonia. The Walhalla of the north, with its terrific deities, was unknown to them; and I am disposed to think that we shall look in vain among the customs of the Teutons for the basis from whence came the polity established in England by the invaders of the fifth century. The Anglo-Saxons came from a region north of the Elbe, which we call Schleswig-Holstein. They were kindred to the Norwegians and the Danes, and of the family of the sea robbers; they were not Teutons, for the Teutons were not and are not sailors. The Belgæ colonised part of the coast—*i.e.*, the settlers maintained a connection with the mainland; but the Angles, the Saxons, and the Jutes did not colonise, they migrated; they left no trace of their occupancy in the lands they vacated. Each separate invasion was the

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settlement of a district; each leader aspired to sovereignty, and was supreme in his own domains; each claimed descent from Woden, and, like Romulus or Alexander, sought affinity with the gods. Each member of the Heptarchy was independent of, and owed no allegiance to, the other members; and marriage or conquest united them ultimately into one kingdom.

The primary institutions were moulded by time and circumstance, and the state of things in the eleventh century was as different from that of the fifth as those of our own time differ from the rule of Richard II. Yet one was as much an outgrowth of its predecessor as the other.

Attempts have been made, with considerable ingenuity, to connect races with each other by peculiar characteristics, but human society has the same necessities, and we find great similarity in various divisions of society. At all times, and in all nations, society resolved itself into the upper, middle, and lower classes. Rome had its Nobles, Plebeians, and Slaves; Germany its Edhilingi, Frilingi, and Lazzi; England its Eaorls, Thanes, and Ceorls. It would be equally cogent to argue that, because Rome had three classes, and England had three classes, the latter was derived from the former, as to conclude that, because Germany had three classes, therefore English institutions were Teutonic. If the invasion of the fifth century were Teutonic, we should look for similar nomenclature, but there is as great a dissimilarity between the English and German names of the classes as between the former and those of Rome.

The Germanic *mark* system has no counterpart in the land system introduced into England by the Anglo-Saxons. If village communities existed in England, it must have been before the invasion of the Romans. The German system, as described by Cæsar, was suited to nomads—to races on the wing, who gave to no individual possession for more than a year, that there might be no home ties. The *mark* system is of a later date, and was evidently the arrangement of other races who permanently settled themselves upon the lands

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vacated by the older nations. And I may suggest whether, as these lands were originally inhabited by the Celts, the conquerors did not adopt the system of the conquered.

Even in the nomenclature of *Feudalism* introduced into England in the fifth century, we are driven back to Scandinavia for an explanation. The word *feudal* as applied to land, has a Norwegian origin, from which country came Rollo, the progenitor of William the Norman. Pontoppidan ("History of Norway," p. 290) says, "The *Odhall*, right of Norway, and the *Udall*, right of Finland, came from the words '*Odh*,' which signifies *proprietors*, and '*all*,' which means *totum*. A transposition of these syllables makes *all odh*, or *allodium*, which means absolute property. *Fee*, which means stipend or pay, united with *oth*, thus forming *Fee-oth* or *Feodum*, denoting stipendiary property." Wacterus states that the word *allode*, *allodium*, which applies to land in Germany, is composed of *an* and *lot—i.e.*, land obtained by lot.

I therefore venture the opinion that the settlement of England in the fifth and sixth centuries was not Teutonic or Germanic, but SCANDINAVIAN.

The lands won by the swords of all were the common property of all; they were the lands of the people, *Folc-land;* they were distributed by lot at the *Folc-gemot;* they were *Odh-all* lands; they were not held of any superior, nor was there any service save that imposed by the common danger. The chieftains were elected and obeyed, because they represented the entire people. Hereditary right seems to have been unknown. The essence of feudalism *was a life estate*, the land reverted either to the sovereign or to the people upon the death of the occupant. At a later period the monarch claimed the power of confiscating land, and of giving it away by charter or deed; and hence arose the distinction between *Folc-land* and *Boc-land* (the land of the book or charter), a distinction somewhat similar to the *freehold* and *copyhold* tenures of the present day. King Alfred the Great bequeathed "his *Boc-land* to his nearest relative; and if any of them have children, it is more agreeable to me that it go to those born on the male side."

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He adds, "My grandfather bequeathed his land on the spear side, not on the spindle side; therefore if I have given what he acquired to any on the female side, let my kinsman make compensation."

The several ranks were thus defined by Athelstane:

"1st. It was whilom in the laws of the English that the people went by ranks, and these were the counsellors of the nation, of worship worthy each according to his condition — 'eorl,' 'ceorl,' 'thegur,' and 'theodia.'

"2d. If a ceorl thrived, so that he had fully five hides (600 acres) of land, church and kitchen, bell-house and back gatescal, and special duty in the king's hall, then he was thenceforth of thane-right worthy.

"3d. And if a thane thrived so that he served the king, and on his summons rode among his household, if he then had a thane who him followed, who to the king utward five hides, had, and in the king's hall served his lord, and thence, with his errand, went to the king, he might thenceforth, with his fore oath, his lord represent at various needs, and his and his plant lawfully conduct wheresoever he ought.

"4th. And he who so prosperous a vicegerent had not, swore for himself according to his right or it forfeited.

"5th. And if a 'thane' thrived so that he became an eorl, then was he thenceforth of eorl-right worthy.

"6th. And if a merchant thrived so that he fared thrice over the wide sea by his own means (or vessels), then was he thenceforth of thane-right worthy."

The oath of fealty, as prescribed by the law of Edward and Guthrum, was very similar to that used at a later period, and ran thus:

"Thus shall a man swear fealty: By the Lord, before whom this relic is holy, I will be faithful and true, and love all that he loves, and shun all that he shuns, according to God's law, and according to the world's principles, and never by will nor by force, by word nor by work, do aught of what is loathful to him, on condition that he me keep, as I am willing to deserve, and all that fulfil, that our agreement was, when I to him submitted and chose his will."

The *Odh-all* (noble) land was divided into two classes: the

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in-lands, which were farmed by slaves under *Bailiffs*, and the *out-lands*, which were let to ceorls either for one year or for a term. The rents were usually paid in kind, and were a fixed proportion of the produce. Ina, King of the West Saxons, fixed the rent of ten hides (1200 acres), in the beginning of the eighth century, as follows: 10 casks honey, 12 casks strong ale, 30 casks small ale, 300 loaves bread, 2 oxen, 10 wedders, 10 geese, 20 hens, 10 chickens, 10 cheeses, 1 cask butter, 5 salmon, 20 lbs. forage, and 100 eels. In the reign of Edgar the Peaceable (tenth century), land was sold for about four shillings of our present money per acre. The Abbot of Ely bought an estate about this time, which was paid for at the rate of four sheep or one horse for each acre.

The freemen (*Liberi Homines*) were a very numerous class, and all were trained in the use of arms. Their *Folc-land* was held under the penalty of forfeiture if they did not take the field, whenever required, for the defence of the country. In addition, a tax, called Danegeld, was levied at a rate varying from two shillings to seven shillings per hide of land (120 acres); and in 1008, each owner of a large estate, 310 hides, was called on to furnish a ship for the navy.

Selden ("Laws and Government of England," p. 34), thus describes the freemen among the Saxons, previous to the Conquest:

"The next and most considerable degree of all the people is that of the *Freemen*, anciently called *Frilingi*,* or *Free-born*, or such as are born free from all yoke of arbitrary power, and from all law of compulsion, other than what is made by their voluntary consent, for all freemen have votes in the making and executing of the general laws of the kingdom. In the first, they differed from the *Gauls*, of whom it is noted that the *commons* are never called to council, nor are much better than servants. In the second, they differ from many free people, and are a degree more excellent, being adjoined to the lords in judicature, both by advice and power (*consilium et authoritates adsunt*), and therefore those that were elected to that work were called *Comitas ex plebe*, and made one rank of *Freemen*

* This is a Teutonic, not an Anglo-Saxon term, the Anglo-Saxon word is Thane.

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for wisdom superior to the rest. Another degree of these were beholden for their riches, and were called *Custodes Pagani*, an honourable title belonging to military service, and these were such as had obtained an estate of such value as that their ordinary arms were a helmet, a coat of mail, and a gilt sword. The rest of the freemen were contented with the name of *Ceorls*, and had as sure a title to their own liberties as the *Custodes Pagani* or the country gentlemen had."

Land was liable to be seized upon for treason and forfeited; but even after the monarchs had assumed the functions of the *Folc-gemot*, they were not allowed to give land away without the approval of the great men; charters were consented to and witnessed in council. "There is scarcely a charter extant," says Chief Baron Gilbert, "that is not proof of this right." The grant of Baldred, King of Kent, of the manor of Malling, in Sussex, was annulled because it was given without the consent of the council. The subsequent gift thereof, by Egbert and Athelwolf, was made with the concurrence and assent of the great men. The kings' charters of escheated lands, to which they had succeeded by a personal right, usually declared "that it might be known that what they gave was their own."

Discussions have at various times taken place upon the question, "Was the land-system of this period *feudal?*" It engaged the attention of the Irish Court of King's Bench, in the reign of Charles I., and was raised in this way: James I. had issued "a commission of defective titles." Any Irish owner, upon surrendering his land to the king, got a patent which reconvened it on him. Wentworth (Lord Stafford) wished to *settle* Connaught, as Ulster had been *settled* in the preceding reign, and, to accomplish it, tried to break the titles granted under "the commission of defective titles." Lord Dillon's case, which is still quoted as an authority, was tried. The plea for the Crown alleged, that the honour of the monarch stood before his profit, and as the commissioners were only authorised to issue patents to hold *in capite*, whereas they had given title "to hold *in capite*, by knights' service out of Dublin Castle," the grant was bad. In the course

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of the argument, the existence of feudal tenures, before the landing of William of Normandy, was discussed, and Sir Henry Spelman's views, as expressed in the Glossary, were considered. The Court unanimously decided that feudalism existed in England under the Anglo-Saxons, and it affirmed that Sir Henry Spelman was wrong. This decision led Sir Henry Spelman to write his "Treatise on Feuds," which was published after his death, in which he re-asserted the opinion that feudalism was introduced into England at the Norman invasion. This decision must, however, be accepted with a limitation; I think there was no separate order of *nobility* under the Anglo-Saxon rule. The king had his councillors, but there appears to have been no order between him and the *Folc-gemot*. The Earls and the Thanes met with the people, but did not form a separate body. The Thanes were country gentlemen, not senators. The outcome of the heptarchy was the Earls or Ealdermen; this was the only order of nobility among the Saxons; they corresponded to the position of lieutenants of counties, and were appointed for life. In 1045 there were nine such officers; in 1065 there were but six. Harold's earldom, at the former date, comprised Norfolk, Suffolk, Essex, and Middlesex; and Godwin's took in the whole south coast from Sandwich to the Land's End, and included Kent, Sussex, Hampshire, Wilts, Devonshire, and Cornwall. Upon the death of Godwin, Harold resigned his earldom, and took that of Godwin, the bounds being slightly varied. Harold retained his earldom after he became king, but on his death it was seized upon by the Conqueror, and divided among his followers.

The Crown relied upon the *Liberi Homines* or freemen. The country was not studded with castles filled with armed men. The *House* of the Thane was an unfortified structure, and while the laws relating to land were, in my view, essentially *feudal*, the government was different from that to which we apply the term *feudalism*, which appears to imply baronial castles, armed men, and an oppressed people.

I venture to suggest to some modern writers that further

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inquiry will show them that *Folc-land* was not confined to commonages, or unallotted portions, but that at the beginning it comprised all the land of the kingdom, and that the occupant did not enjoy it as owner-in-severalty; he had a good title against his fellow subjects, but he held under the *Folc-gemot*, and was subject to conditions. The consolidation of the sovereignty, the extension of laws of forfeiture, the assumption by the kings of the rights of the popular assemblies, all tended to the formation of a second set of titles, and *boc-land* became an object of ambition. The same individual appears to have held land by both titles, and to have had greater powers over the latter than over the former.

Many of those who have written on the subject seem to me to have failed to grasp either the *object* or the *genius* of FEUDALISM. It was the device of conquerors to maintain their possessions, and is not to be found amongst nations, the original occupiers of the land, nor in the conquests of states, which maintained standing armies. The invading hosts elected their chieftain, they and he had only a life use of the conquests. Upon the death of one leader another was elected, so upon the death of the allottee of a piece of land it reverted to the State. The *genius* of FEUDALISM was life ownership and non-partition. Hence the oath of fealty was a personal obligation, and investiture was needful before the new feudee took possession. The State, as represented by the king or chieftain, while allowing the claim of the family, exercised its right to select the individual. All the lands were considered *Beneficia*, a word which now means a charge upon land, to compensate for duties rendered to the State. Under this system, the feudatory was a commander, his residence a barrack, his tenants soldiers; it was his duty to keep down the aborigines, and to prevent invasion. He could neither sell, give, nor bequeath his land. He received the surplus revenue as payment for personal service, and thus enjoyed his *benefice*. Judged in this way, I think the feudal system existed before the Norman Conquest. Slavery and serfdom undoubtedly prevailed. Under the Scandinavians, the country prospered; and, from

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the great abundance of corn, William of Poitiers calls England "the store-house of Ceres."

IV. THE NORMANS.

The invasion of William of Normandy led to results which have been represented by some writers as having been the most momentous in English history. I do not wish in any way to depreciate their views, but it seems to me not to have been so disastrous to existing institutions, as the Scandinavian invasion, which completely submerged all former usages. No trace of Roman occupation survived the advent of the Anglo-Saxons; the population was reduced to and remained in the position of serfs, whereas the Norman invasion preserved the existing institutions of the nation, and subsequent changes were an outgrowth thereof.

When Edward the Confessor, the last descendant of Cedric, was on his deathbed, he declared Harold to be his successor, but William of Normandy claimed the throne under a previous will of the same monarch. He asked for the assistance of his own nobles and people in the enterprise, but they refused at first on the ground that their feudal compact only required them to join in the defence of their country, and did not coerce them into affording him aid in a completely new enterprise; and it was only by promising to compensate them out of the spoils that he could secure their co-operation. A list of the number of ships supplied by each Norman chieftain appears in Lord Lyttleton's "History of Henry III.," vol. i., appendix.

I need hardly remind you that the settlers in Normandy were from Norway, or that they had been expelled from their native land in consequence of their efforts to subvert its institutions, and to make the descent of land, hereditary, instead of being divisible among all the sons of the former owner. Nor need I relate how they won and held the fair provinces of northern France—whether as a fief of the French Crown or not, is an open question. But I should wish you to bear in mind their affinity to the Anglo-Saxons, to the Danes, and to

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the Norwegians, the family of Sea Robbers, whose ravages extended along the coasts of Europe as far south as Gibraltar and, as some allege, along the Mediterranean. Some questions have been raised as to the means of transport of the Saxons, the Jutes, and the Angles, but they were fully as extensive as those by which Rollo invaded France or William invaded England.

William strengthened his claim to the throne by his military success, and by a form of election, for which there were many previous precedents. Those who called upon him to ascend it, alleged "that they had always been ruled by legal power, and desired to follow in that respect the example of their ancestors, and they knew of no one more worthy than himself to hold the reigns of government."

His alleged title to the crown, sanctioned by success and confirmed by election, enabled him, in conformity with existing institutions, to seize upon the lands of Harold and his adherents, and to grant them as rewards to his followers. Such confiscation and gifts were entirely in accord with existing usages, and the great alteration which took place in the principal fiefs, was more a change of persons than of law. A large body of the aboriginal people had been, and continued to be, serfs or villeins; while the mass of the freemen (*Liberi Homines*) remained in possession of their holdings.

It may not be out of place here to say a few words about this important class, which is in reality the backbone of the British constitution; it was the mainstay of the Anglo-Saxon monarchy; it lost its influence during the civil wars of the Plantagenets, but reasserted its power under Cromwell. Dr Robertson thus draws the line between them and the vassals:

"In the same manner *Liber homo* is commonly opposed to *Vassus* or *Vassalus*, the former denoting an allodial proprietor, the latter one who held of a superior. These freemen were under an obligation to serve the state, and this duty was considered so sacred that *freemen* were prohibited from entering into holy orders, unless they obtained the consent of the sovereign."

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De Lolme, chap. i., sec. 5, says:

"The *Liber homo*, or freeman, has existed in this country from the earliest periods, as well as of authentic as of traditionary history, entitled to that station in society as one of his constitutional rights, as being descended from free parents in contradistinction to "villains," which should be borne in remembrance, because the term "freeman" has been, in modern times, perverted from its constitutional signification without any statutable authority."

The *Liberi Homines* are so described in the Doomsday Book. They were the only men of honour, faith, trust, and reputation in the kingdom; and from among such of these as were not barons, the knights did choose jurymen, served on juries themselves, bare offices, and despatched country business. Many of the *Liberi Homines* held of the king *in capite*, and several were freeholders of other persons in military service. Their rights were recognised and guarded by the 55th William I.;* it is entitled:

"CONCERNING CHEUTILAR OR FEUDAL RIGHTS, AND THE IMMUNITY OF FREEMEN.

"We will also, and strictly, enjoin and concede that all freemen (*Liberi Homines*) of our whole kingdom aforesaid, have and hold their land and possessions well and in peace, free from every unjust exaction and from Tallage, so that nothing be exacted or taken from them except their free service, which of right they ought to do to us and are bound to do, and according as it was appointed (*statutum*) to them, and given to them by us, and conceded by hereditary right for ever, by the common council (*Folc-gemot*) of our whole realm aforesaid."

These freemen were not created by the Norman Conquest, They existed prior thereto; and the laws, of which this is one,

* "LV.—De Chartilari seu Feudorum jure et Ingenuorum immunitate. Volume etiam ac firmiter præcipimus et concedimus ut omnes liberi homines totius Monarchiæ regni nostri prædicti habeant et teneant terras suas et possessiones suas bene et in paci, liberi ab omni. Exactione iniusta et ab omni Tallagio: Ita quod nihil ab eis exigatur vel capiatur nisi seruicum suum liberum quod de iure nobis facere debent et facere tenentur et prout statutum est eis et illis a nobis datum et concessum iure hæreditario imperpetuum per commune consilium totius regni nostri prædicti."

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are declared to be the laws of Edward the Confessor, which William re-enacted. Selden, in "The Laws and Government of England," p. 34, speaks of this law as the first Magna Charta. He says:

"Lastly, the one law of the kings, which may be called the first *Magna Charta* in the Norman times (55 William I.), by which the king reserved to himself, from the *freemen* of this kingdom, nothing but their free service, in the conclusion saith that their lands were thus granted to them in inheritance of the king by the *Common Council* (*Folcgemot*) of the whole kingdom; and so asserts, in one sentence, the liberty of the freemen, and of the representative body of the kingdom."

He further adds:

"The freedom of an *Englishman* consisteth of three particulars: first, in *ownership;* second, in *voting any law*, whereby ownership is maintained; and thirdly, in having an influence upon the *judiciary power* that must apply the law. Now the English, under the Normans, enjoyed all this freedom with each man's own particular, besides what they had in bodies aggregate. This was the meaning of the Normans, and they published the same to the world in a fundamental law, whereby is granted that all *freemen* shall have and hold their lands and possessions in hereditary right for ever; and by this, they being secured from forfeiture, they are further saved from all wrong by the same law, which provideth that they shall hold them well or quietly, and in peace, free from all unjust tax, and from all Tallage, so as nothing shall be exacted nor taken but their *free service*, which, by right, they are bound to perform."

This is expounded in the law of Henry I., cap. 4, to mean that no tribute or tax shall be taken but what was due in the Confessor's time, and Edward II. was sworn to observe the laws of the Confessor.

The nation was not immediately settled. Rebellions arose either from the oppression of the invaders, or the restlessness of the conquered; and, as each outburst was put down by force, there were new lands to be distributed among the adherents of the monarch; ultimately there were about 700 chief tenants holding *in capite*, but the nation was divided into 60,215 knights' fees, of which the Church held 28,115.

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The king retained in his own hands 1422 manors, besides a great number of forests, parks, chases, farms, and houses, in all parts of the kingdom; and his followers received very large holdings.

Amongst the Saxon families who retained their land was one named Shobington in Bucks. Hearing that the Norman lord was coming to whom the estate had been gifted by the king, the head of the house armed his servants and tenants, preparing to do battle for his rights; he cast up works, which remain to this day in grassy mounds, marking the sward of the park, and established himself behind them to await the despoiler's onset. It was the period when hundreds of herds of wild cattle roamed the forest lands of Britain, and, failing horses, the Shobingtons collected a number of bulls, rode forth on them, and routed the Normans, unused to such cavalry. William heard of the defeat, and conceived a respect for the brave man who had caused it; he sent a herald with a safe conduct to the chief Shobington desiring to speak with him. Not many days after, came to court eight stalwart men riding upon bulls, the father and seven sons. "If thou wilt leave me my lands, O king," said the old man, "I will serve thee faithfully as I did the dead Harold." Whereupon the Conqueror confirmed him in his ownership, and named the family, Bullstrode, instead of Shobington.

Sir Martin Wright in his "Treatise on Tenures," published in 1730, p. 61, remarks:

"Though it is true that the possessions of the Normans were of a sudden very great, and that they received most of them from the hands of William I., yet it does not follow that the king took all the lands of England out of the hands of their several owners, claiming them as his spoils of war, or as a parcel of a conquered country; but, on the contrary, it appears pretty plain from the history of those times that the king either had or pretended, title to the crown, and that his title, real or pretended, was established by the death of Harold, which amounted to an unquestionable judgment in his favour. He did not therefore treat his opposers as enemies, but as traitors, agreeably to the known laws of the kingdom, which subjected traitors not only to the loss of life but of all their possessions."

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He adds (p. 63):

"As William I. did not claim to possess himself of the lands of England as the spoils of conquest, so neither did he tyrannically and arbitrarily subject them to feudal dependence; but, as the feudal law was at that time the prevailing law of Europe, William I., who had always governed by this policy, might probably recommend it to our ancestors as the most obvious and ready way to put them upon a footing with their neighbours, and to secure the nation against any future attempts from them. We accordingly find among the laws of William I., a law enacting feudal law itself, not *eo nomine*, but in effect, inasmuch as it requires from all persons the same engagements to, and introduces the same dependence upon, the king as supreme lord of all the lands of England, as were supposed to be due to a supreme lord by the feudal law. The law I mean is the LII. law of William I."

This view is adopted by Sir William Blackstone, who writes (vol. ii., p. 47):

"From the prodigious slaughter of the English nobility at the battle of Hastings, and the fruitless insurrection of those who survived, such numerous forfeitures had accrued that he (William) was able to reward his Norman followers with very large and extensive possessions, which gave a handle to monkish historians, and such as have implicitly followed them, to represent him as having, by the right of the sword, seized upon all the lands of England, and dealt them out again to his own favourites—a supposition grounded upon a mistaken sense of the word conquest, which in its feudal acceptation signifies no more than acquisition, and this has led many hasty writers into a strange historical mistake, and one which, upon the slightest examination, will be found to be most untrue.

"We learn from a Saxon chronicle (A.D. 1085), that in the nineteenth year of King William's reign, an invasion was apprehended from Denmark; and the military constitution of the Saxons being then laid aside, and no other introduced in its stead, the kingdom was wholly defenceless; which occasioned the king to bring over a large army of Normans and Britons, who were quartered upon, and [illegible]tly oppressed, the people. This apparent weakness, together chief[illegible] grievances occasioned by a foreign force, might co-operate into 60,2[illegible]ing's remonstrance, and better incline the nobility to listen

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to his proposals for putting them in a position of defence. For, as soon as the danger was over, the king held a great council to inquire into the state of the nation, the immediate consequence of which was the compiling of the great survey called the Doomsday Book, which was finished the next year; and in the end of that very year (1086) the king was attended by all his nobility at Sarum, where the principal landholders submitted their lands to the yoke of military tenure, and became the king's vassals, and did homage and fealty to his person."

Mr Henry Hallam writes:

"One innovation made by William upon the feudal law is very deserving of attention. By the leading principle of feuds, an oath of fealty was due from the vassal to the lord of whom he immediately held the land, and no other. The king of France long after this period had no feudal, and scarcely any royal, authority over the tenants of his own vassals; but William received at Salisbury, in 1085, the fealty of all landholders in England, both those who held in chief and their tenants, thus breaking in upon the feudal compact in its most essential attribute—the exclusive dependence of *a vassal* upon his lord; and this may be reckoned among the several causes which prevented the Continental notions of independence upon the Crown from ever taking root among the English aristocracy."

A more recent writer, Mr Freeman ("History of the Norman Conquest," published in 1871, vol. iv., p. 695), repeats the same idea, though not exactly in the same words. After describing the assemblage which encamped in the plains around Salisbury, he says:

"In this great meeting a decree was passed, which is one of the most memorable pieces of legislation in the whole history of England. In other lands where military tenure existed, it was beginning to be held that he who plighted his faith to a lord, who was the man of the king, was the man of that lord only, and did not become the man of the king himself. It was beginning to be held that if such a man followed his immediate lord to battle against the common sovereign, the lord might draw on himself the guilt of treason, but the men that followed him would be guiltless. William himself would have been amazed if any vassal of his had refused to draw his sword in a war

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with France on the score of duty towards an over-lord. But in England at all events, William was determined to be full king over the whole land, to be immediate sovereign and immediate lord of every man. A statute was passed that every *freeman* in the realm should take the oath of fealty to King William."

Mr Freeman quotes Stubbs's "Select Charters," p. 80, as his authority. Stubbs gives the text of that charter, with ten others. He says: "These charters are from 'Textus Roffensis,' a manuscript written during the reign of Henry I.; it contains the sum and substance of all the legal enactments made by the Conqueror independent of his confirmation of the earlier laws." It is as follows: "Statuimus etiam ut *omnis liber homo* feodere et sacramento affirmet, quod intra et extra Angliam Willelmo regi fideles esse volunt, terras et honorem illius omni fidelitate cum eo servare et ante eum contra inimicos defendere."

It will be perceived that Mr Hallam reads *Liber homo* as "vassals." Mr Freeman reads them as "freemen," while the older authority, Sir Martin Wright, says: "I have translated the words *Liberi Homines*, 'owners of land,' because the sense agrees best with the tenor of the law."

The views of writers of so much eminence as Sir Martin Wright, Sir William Blackstone, Mr Henry Hallam, and Mr Freeman, are entitled to the greatest respect and consideration, and it is with much diffidence I venture to differ from them. The three older writers appear to have had before them the LII. of William I., the latter the alleged charter found in the "Textus Roffensis;" but as they are almost identical in expression, I treat the latter as a copy of the former, and I do not think it bears out the interpretation sought to be put upon it—that it altered either the feudalism of England, or the relation of the vassal to his lord; and it must be borne in mind that not only did William derive his [illegible] to the crown from Edward the Confessor, but he pre[illegible] the apparent continuity, and re-enacted the laws of [illegible] ecessor. Wilkins' "Laws of the Anglo-Saxons and

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Normans," republished in 1840 by the Record Commissioners, gives the following introduction:

"Here begin the laws of Edward, the glorious king of England.

"After the fourth year of the succession to the kingdom of William of this land, that is England, he ordered all the English noble and wise men and acquainted with the law, through the whole country, to be summoned before his council of barons, in order to be acquainted with their customs. Having therefore selected from all the counties twelve, they were sworn solemnly to proceed as diligently as they might to write their laws and customs, nothing omitting, nothing adding, and nothing changing."

Then follow the laws, thirty-nine in number, thus showing the continuity of system, and proving that William imposed upon his Norman followers the laws of the Anglo-Saxons. They do not include the LII. William I., to which I shall refer hereafter. I may, however, observe that the demonstration at Salisbury was not of a legislative character; and that it was held in conformity with Anglo-Saxon usages. If, according to Stubbs, the ordinance was a charter, it would proceed from the king alone. The idea involved in the statements of Sir Martin Wright, Mr Hallam, and Mr Freeman, that the *vassal of a lord* was then called on to swear allegiance to the *king*, and that it altered the feudal bond in England, is not supported by the oath of vassalage. In swearing fealty, the vassal knelt, placed his hands between those of his lord's, and swore:

"I become your man from this day forward, of life and limb, and of earthly worship, and unto you shall be true and faithful, and bear you faith for the tenements at that I claim to hold of you, *saving the faith that I owe unto our Sovereign Lord the King.*"

This shows that it was unnecessary to call *vassals* to Salisbury to swear allegiance. The assemblage was of the same nature and character as previous meetings. It was composed of the *Liberi Homines*, the freemen, described by the learned John Selden (*ante*, p. 113), and by Dr Robertson and De Lolme (*ante*, pp. 118, 119).

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But there is evidence of a much stronger character, which of itself refutes the views of these writers, and shows that the Norman system, at least during the reign of William I., was a continuation of that existing previous to his succession to the throne; and that the meeting at Salisbury, so graphically portrayed, did not affect that radical change in the position of English landholders which has been stated. I refer to the works of EADMERUS; he was a monk of Canterbury who was appointed Bishop of St Andrews, and declined or resigned the appointment because the King of Scotland refused to allow his consecration by the Archbishop of Canterbury. His history includes the reigns of William I., William II., and Henry I., from 1066 to 1122, and he gives, at page 173, the laws of Edward the Confessor, which William I. gave to England; they number seventy-one, including the LII. law quoted by Sir Martin Wright. The introduction to these laws is in Latin and Norman-French, and is as follows:

"These are the laws and customs which King William granted to the whole people of England after he had conquered the land, and they are those which *King Edward his predecessor* observed before him." *

This simple statement gets rid of the theory of Sir Martin Wright, of Sir William Blackstone, of Mr Hallam, and of Mr Freeman, that William introduced a new system, and that he

* The laws of William are given in a work entitled "Eadmeri Monachi Cantuariensis Historia Novorum Sine Sui Sæculi." It includes the reigns of Williams I. and II., and Henry I., from 1066 to 1122, and is edited by John Selden. Page 173 has the following:

"Hæc sunt Leges et Consuetudines quas Willielmus Rex concessit universo Populo Angliæ post subactum Tenour. Eædum sunt quas Edwardus Rex cognatus ejus obseruauit ante eum.

"Ces sont les Leis et les Custums que le Rui William granted a tut le peuple de Engleterre apres le Conquest de le Terre. Ice les meismes que le Rui Edward sun Cosin tuit devant lui.

"LII.

"De fide et obsequio ergu Regnum.

"Statuimus etiam ut *omnes liberi homines foedere* et sacramento affirment quod intra et extra universum regnum Angliæ (quod olim vocabatur regnum Britanniæ) Willielmo suo domino fideles esse volunt, terras et honores illius fidelitate ubique servare cum eo et contra inimicos et alienigenas defendere."

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did so either as a new feudal law, or as an amendment upon the existing feudalism. The LII. law, quoted by Wright, is as follows:

"We have decreed that all *free men* should affirm on oath, that both within and without the whole kingdom of England (which is called Britain) they desire to be faithful to William their lord, and everywhere preserve unto him his land and honours with fidelity, and defend them against all enemies and strangers."

Eadmerus, who wrote in the reign of Henry I., gives the LII. William I. as a confirmatory law. The charter given by Stubbs varies but slightly from the law given by Eadmerus. The former uses the words *Omnes liberi homines;* the latter, the words *Omnis liber homo.* Those interested can compare them, as I give the text of each.

Since the paper was read, I have met with the following passage in Stubbs's "Constitutional History of England," vol. i., p. 265:

"It has been maintained that a formal and definitive act, forming the initial point of the feudalisation of England, is to be found in a clause of the laws, as they are called, of the Conqueror, which directs that every freeman shall affirm, by covenant and oath, that 'he will be faithful to King William within England and without, will join him in preserving his land with all fidelity, and defend him against his enemies.' But this injunction is little more than the demand of the oath of allegiance taken to the Anglo-Saxon kings, and is here required not of every feudal dependant of the king, but of every freeman or freeholder whatsoever. In that famous Council of Salisbury, A.D. 1086, which was summoned immediately after the making of the Doomsday survey, we learn, from the 'Chronicle,' that there came to the king 'all his witan and all the landholders of substance in England, whose vassals soever they were, and they all submitted to him and became his men, and swore oaths of allegiance that they would be faithful to him against all others.' In the act has been seen the formal acceptance and date of the introduction of feudalism, but it has a very different meaning. The oath described is the oath of allegiance, combined with the act of homage, and obtained from all landowners whoever their feudal lord might be. It is a measure of pre-

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caution taken against the disintegrating power of feudalism, providing a direct tie between the sovereign and all freeholders which no inferior relations existing between them and the mesne lords would justify them in breaking."

I have already quoted from another of Stubbs's works, "Select Charters," the charter which he appears to have discovered bearing upon this transaction, and now copy the note, giving the authorities quoted by Stubbs, with reference to the above passage. He appears to have overlooked the complete narration of the alleged laws of William I., given by Eadmerus, to which I have referred. The note is as follows:

"Ll. William I., § 2, below note; see Hovenden, ii., pref. p. 5, *seq.*, where I have attempted to prove the spuriousness of the document called the Charter of William I., printed in the ancient 'Laws,' ed. Thorpe, p. 211. The way in which the regulation of the Conqueror here referred to has been misunderstood and misused is curious. Lambarde, in the 'Archaionomia,' p. 170, printed the false charter in which this genuine article is incorporated as an appendix to the French version of the Conqueror's laws, numbering the clauses 51 to 67: from Lambarde, the whole thing was transferred by Wilkins into his collection of Anglo-Saxon laws. Blackstone's 'Commentary,' ii. 49, suggested that perhaps the very law (which introduced feudal tenures) thus made at the Council of Salisbury is that which is still extant and couched in these remarkable words, *i.e.*, the injunction in question referred to by Wilkins, p. 228. Ellis, in the introduction to 'Doomsday,' i. 16, quotes Blackstone, but adds a reference to Wilkins, without verifying Blackstone's quotation from his collection of laws, substituting for that work the Concilia, in which the law does not occur. Many modern writers have followed him in referring the enactment of the article to the Council of Salisbury. It is well to give here the text of both passages; that in the laws runs thus: 'Statuimus etiam ut omnis liber homo foedere et sacramento affirmet, quod intra et extra Angliam Willelmo regi fideles esse volunt, terras et honorem illius omni fidelitate eum eo servare et ante eum contra inimicos defendere' (Select Charters, p. 80). The homage done at Salisbury is described by Florence thus: 'Nec multo post mandavit ut Archiepiscopi, episcopi, abbates, comitas et barones et vicecomitas cum suis militibus die Kalendarum

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Augustarem sibi occurent Saresberiæ quo cum venissent milites eorem sibi fidelitatem contra omnes homines jurare coegit.' The 'Chronicle' is a little more full: 'Thæ him comon to his witan and ealle tha Landsittende men the ahtes wæron ofer eall Engleland wæron thæs mannes men the hi wæron and ealle hi bugon to him and wæron his men, and him hold athas sworon thæt he woldon ongean ealle other men him holde beon."

Mr Stubbs had, in degree, adopted the view at which I had arrived, that the law or charter of William I. was an injunction to enforce the oath of allegiance, previously ordered by the laws of Edward the Confessor, to be taken by all freemen, and that it did not relate to vassals, or alter the existing feudalism.

As the subject possesses considerable interest for the general reader, as well as the learned historian, I think it well to place the two authorities side by side, that the text may be compared:

LII. William I., as given by Eadmerus.

"De fide et obsequio ergu Regnum.

"Statuimus etiam ut *omnes liberi homines foedere* et sacramento affirment quod intra et extra universum regnum Angliæ (quod olim vocabatur regnum Britanniæ) Willielmo suo domino fideles esse volunt, terras et honores illius fidelitate ubique servare cum eo et contra inimicos et alienigenas defendere."

Charter from Textus Roffensis, given by Mr Stubbs.

"Statuimus etiam ut *omnis liber homo* feodere et sacramento affirmet, quod intra et extra Angliam Willelmo regi fideles esse volunt, terras et honorem illius omni fidelitate cum eo servare et ante eum contra inimicos defendere."

I think the documents I have quoted show that Sir Martin Wright, Sir William Blackstone, and Messrs Hallam and Freeman, laboured under a mistake in supposing that William had introduced or imposed a new feudal law, or that the vassals of a lord swore allegiance to the king. The introduction to the laws of William I. shows that it was not a new enactment, or a Norman custom introduced into England, and the law itself proves that it relates to freemen, and not to vassals.

The misapprehension of these authors may have arisen in this way: William I. had two distinct sets of subjects. The NORMANS, who had taken the oath of allegiance on obtaining investiture, and whose retinue included vassals; and the ANGLO-SAXONS, among whom vassalage was unknown, who were

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freemen (*Liberi Homines*) as distinguished from serfs. The former comprised those in possession of Odhal (noble) land, whether held from the Crown or its tenants. It was quite unnecessary to convoke the Normans and their vassals, while the assemblage of the Saxons—*Omnes Liberi Homines*—was not only in conformity with the laws of Edward the Confessor, but was specially needful when a foreigner had possessed himself of the throne.

I have perhaps dwelt too long upon this point, but the error to which I have referred, has been adopted as if it was an unquestioned fact, and has passed into our school books and become part of the education given to the young, and therefore it required some examination.

I believe that a very large portion of the land in England did not change hands at that period, nor was the position of either *serfs* or *villeins* changed. The great alteration lay in the increase in the quantity of *boc-land*. Much of the *folc-land* was forfeited and seized upon, and as the king claimed the right to give it away, it was called *terra regis*. The charter granted by King William to Alan Fergent, Duke of Bretagne, of the lands and towns, and the rest of the inheritance of Edwin, Earl of Yorkshire, runs thus:

"Ego Gulielmus cognomine Bastardus, Rex Angliæ do et concedo tibi nepoti meo Alano Brittania Comiti et hæredibus tuas imperpetuum omnes villas et terras quæ nuper fuerent Comitas Edwini in Eborashina cum feodis militia et aliis liberatibus et consuetudinibus ita liberie et honorifice sicut idem Edwiniis eadem tenuit.

"Data obsidione coram civitate Eboraci."

This charter does not create a different title, but gives the lands as held by the former possessor. The monarch assumed the function of the *folc-gemot*, but the principle remained—the feudee only became tenant for life. Each estate reverted to the Crown on the death of him who held it; but, previous to acquiring possession, the new tenant had to cease to be his own "man," and became the "man" of his superior. This act was called "homage," and was followed by "investiture." In A.D. 1175, Prince Henry refused to trust himself

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with his father till his homage had been renewed and accepted, for it bound the superior to protect the inferior. The process is thus described by De Lolme (chap. ii., sec. 1):

"On the death of the ancestor, lands holden by "knight's service" and by "grand sergeantcy," were, upon inquisition finding the tenure and the death of the ancestor, seized into the king's hands. If the heir appeared by the inquisition to be within the age of twenty-one years, the king retained the lands till the heir attained the age of twenty-one, for his own profit, maintaining and educating the heir according to his rank. If the heir appeared by the inquisition to have attained twenty-one, he was entitled to demand livery of the lands by the king's officers on paying a relief and doing fealty and homage. The minor heir attaining twenty-one, and proving his age, was entitled to livery of his lands, on doing fealty and homage, without paying any relief."

The idea involved is, that the lands were *held* and *not owned*, and that the proprietary right lay in the nation, as represented by the king. If we adopt the poetic idea of the Brehon code, that "land is perpetual man," then *homage* for land was not a degrading institution. But it is repugnant to our ideas to think that any man can, on any ground, or for any consideration, part with his manhood, and become by homage the "man" of another.

The Norman chieftains claimed to be peers of the monarch, and to sit in the councils of the nation, as barons-by-tenure and not by patent. This was a decided innovation upon the usages of the Anglo-Saxons, and ultimately converted the Parliament, the *folc-gemot*, into two branches. Those who accompanied the king stood in the same position as the companions of Romulus, they were the *patricians;* those subsequently called to the councils of the sovereign by patent corresponded with the Roman *nobiles*. No such patents were issued by any of the Norman monarchs. But the insolence of the Norman nobles led to the attempt made by the successors of the Conqueror to revive the Saxon earldoms as a counterpoise. The weakness of Stephen enabled the greater feudees to fortify their castles, and they set up claims against

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the Crown, which aggravated the discord that arose in subsequent reigns.

The "Saxon Chronicles," p. 238, thus describes the oppressions of the nobles, and the state of England in the reign of Stephen:

"They grievously oppressed the poor people with building castles, and when they were built, filled them with wicked men, or rather devils, who seized both men and women who they imagined had any money, threw them into prison, and put them to more cruel tortures than the martyrs ever endured; they suffocated some in mud, and suspended others by the feet, or the head, or the thumbs, kindling fires below them. They squeezed the heads of some with knotted cords till they pierced their brains, while they threw others into dungeons swarming with serpents, snakes, and toads."

The nation was mapped out, and the owners' names inscribed in the Doomsday Book. There were no unoccupied lands, and had the possessors been loyal and prudent, the sovereign would have had no lands, save his own private domains, to give away, nor would the industrious have been able to become tenants-in-fee. The alterations which have taken place in the possession of land since the composition of the Book of Doom, have been owing to the disloyalty or extravagance of the descendants of those then found in possession.

Notwithstanding the vast loss of life in the contests following upon the invasion, the population of England increased from 2,150,000 in 1066, when William landed, to 3,350,000 in 1152, when the great-grandson of the Conqueror ascended the throne, and the first of the Plantagenets ruled in England.

V. THE PLANTAGENETS.

Whatever doubts may exist as to the influence of the Norman Conquest upon the mass of the people—the freemen, the ceorls, and the serfs—there can be no doubt that its effect upon the higher classes was very great. It added to the existing *feudalism*—the system of Baronage, with its concomitants of castellated residences filled with armed men. It led to frequent contests between neighbouring lords, in

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which the liberty and rights of the freemen were imperilled. It also eventuated in the formation of a distinct order—the peerage, and for a time the constitutional influence of the assembled people, the *folc-gemot*, was overborne.

The principal Norman chieftains were Barons in their own country, and they retained that position in England, but their holdings in both were feudal, not hereditary. When the Crown, originally elective, became hereditary, the barons sought to have their possessions governed by the same rule, to remove them from the class of *terra-regis* (folc-land), and to convert them into chartered land. Being gifts from the monarch, he had the right to direct the descent, and all charters which gave land to a man and his heirs, made each of them only a tenant for life; the possessor was bound to hand over the estate undivided to the heir, and he could neither give, sell, nor bequeath it. The land was *beneficia*, just as appointments in the Church, and reverted, as they do, to the patron to be re-granted. They were held upon military service, and the major barons, adopting the Saxon title Earl, claimed to be *peers* of the monarch, and were called to the councils of the state as barons-by-tenure. In reply to a *quo warranto*, issued to the Earl of Surrey, in the reign of Edward I., he asserted that his ancestors had assisted William in gaining England, and were equally entitled to a share of the spoils. "It was," said he, "by their swords that his ancestors had obtained their lands, and that by his he would maintain his rights." The same monarch required the Earls of Hereford and Norfolk to go over with his army to Guienne, and they replied, "The tenure of our lands does not require us to do so, unless the king went in person." The king insisted; the earls were firm. "By God, sir Earl," said Edward to Hereford, "you shall go or hang." "By God, sir King," replied the earl, "I will neither go nor hang." The king submitted and forgave his warmth.

The struggle between the nobles and the Crown commenced, and was continued, under varying circumstances. Each of the barons had a large retinue of armed men under his own command, and the Crown was liable to be overborne by a

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union of ambitious nobles. At one time the monarch had to face them at Runnymede and yield to their demands; at another he was able to restrain them with a strong hand. The Church and the Barons, when acting in union, proved too strong for the Sovereign, and he had to secure the alliance of one of these parties to defeat the views of the other. The barons abused their power over the *freemen*, and sought to establish the rule "that every man must have a lord," thus reducing them to a state of vassalage. King John separated the barons into two classes—major and minor; the former should have at least thirteen knights' fees and a third part; the latter remained country gentlemen. The 20th Henry III., cap. 3 and 4, was passed to secure the rights of freemen, who were disturbed by the great lords, and gave them an appeal to the king's courts of assize.

Bracton, an eminent lawyer who wrote in the time of Henry III., says:

"The king hath superiors—viz., God and the law by which he is made king; also his court—viz., his earls and barons. Earls are the king's associates, and he that hath an associate hath a master; and therefore, if the king be unbridled, or (which is all one) without law, they ought to bridle him, unless they will be unbridled as the king, and then the commons may cry, Lord Jesus, pity us," etc.

An eminent lawyer, time of Edward I., writes:

"Although the king ought to have no equal in the land, yet because the king and his commissioners can be both judge and party, the king ought by right to have companions, to hear and determine in Parliament all writs and plaints of wrongs done by the king, the queen, or their children."

These views found expression is the coronation oath. Edward II. was forced to swear:

"Will you grant and keep, and, by your oath, confirm to the people of England the laws and customs to them, granted by the ancient kings of England, your righteous and godly predecessors; and especially to the clergy and people, by *the glorious King St Edward*, your predecessor?"

The king's answer—"I do them grant and promise."

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"Do you grant to hold and keep the laws and rightful customs which the commonalty of your realm shall have chosen, and to maintain and enforce them to the honour of God after your power."

The king's answer—"I this do grant and promise."

I shall not dwell upon the event most frequently quoted with reference to the era of the Plantagenets—I mean King John's "Magna Charta." It was more social than territorial, and tended to limit the power of the Crown, and to increase that of the barons. The Plantagenets had not begun to call Commons to the House of Lords. The issue of writs was confined to those who were barons-by-tenure, the *patricians* of the Norman period. The creation of *nobles* was the invention of a later age. The baron feasted in his hall, while the slave grovelled in his cabin. Bracton, the famous lawyer of the time of Henry III., says: "All the goods a slave acquired belonged to his master, who could take them from him whenever he pleased," therefore a man could not purchase his own freedom. "In the same year, 1283," says the Annals of Dunstable, "we sold our slave by birth, William Pyke, and all his family, and received one mark from the buyer." The only hope for the slave was, to try and get into one of the walled towns, when he became free. Until the Wars of the Roses, these serfs were greatly harassed by their owners.

In the reign of Edward I., efforts were made to prevent the alienation of land by those who received it from the Norman sovereigns. The statute of mortmain was passed to restrain the giving of lands to the Church, the statute *de donis* to prevent alienation to laymen. The former declares:

"That whereas religious men had entered into the fees of other men, without licence and will of the chief lord, and sometimes appropriating and buying, and sometimes receiving them of gift of others, whereby the services that are due of such fee, and which, in the beginning, were provided for the defence of the realm, are wrongfully withdrawn, and the chief lord do lose the escheats of the same (the primer seizin on each life that dropped); it therefore enacts: That any such lands were forfeited to the lord of the fee; and if he did not take it within twelve months, it should be forfeited to the

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king, who shall enfeoff other therein by certain services to be done for us for the defence of the realm."

Another Act, the 6th Edward I., cap. 3, provides:

"That alienation by the tenant in courtesy was void, and the heir was entitled to succeed to his mother's property, notwithstanding the act of his father."

The 13th Edward I., cap. 41, enacts:

"That if the abbot, priors, and keepers of hospitals, and other religious houses, aliened their land, they should be seized upon by the king."

The 13th Edward I., cap. 1, *de donis conditionalitis*, provided:

"*That tenements given to a man, and the heirs of his body, should, at all events, go to the issue, if there were any; or, if there were none, should revert to the donor.*"

But while the fiefs of the Crown were forbidden to alien their lands, the *freemen*, whose lands were Odhal (noble) and of Saxon descent, the inheritance of which was guaranteed to them by 55 William I. (*ante*, p. 119), were empowered to sell their estates by the statute called *Quia Emptores* (6 Edward I.). It enacts:

"That from henceforth it shall be lawful to every *freeman* to sell, at his own pleasure, his lands and tenements, or part of them: so that the feoffee shall hold the same lands and tenements of the chief lord of the fee by such customs as his feoffee held before."

The scope of these laws was altered in the reign of Edward III. That monarch, in view of his intended invasion of France, secured the adhesion of the landowners, by giving them power to raise money upon and alien their estates. The permission was as follows, 1 Edward III., cap. 12:

"Whereas divers people of the realm complain themselves to be grieved because that lands and tenements which be holden of the king in chief, and aliened without licence, have been seized into the king's hand, and holden as forfeit: (2.) The king shall not hold them as forfeit in such case, but will and grant from henceforth of such lands and tenements so aliened, there shall be reasonable fine taken in chancery by due process."

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1 Edward III., cap. 13:

"Whereas divers have complained that they be grieved by reason of purchasing of lands and tenements, which have been holden of the king's progenitors that now is, as of honours; and the same lands have been taken into the king's hands, as though they had been holden in chief of the king, as of his crown: (2.) The king will that from henceforth no man be grieved by any such purchase."

De Lolme, chap. iii., sec. 3, remarks on these laws that they took from the king all power of preventing alienation or of purchase. They left him the reversionary right on the failure of heirs.

These changes in the relative power of the sovereign and the nobles took place to enable Edward to enter upon the conquest of France; but that monarch conferred a power upon the barons, which was used to the detriment of his descendants, and led to the dethronement of the Plantagenets.

The line of demarcation between the two sets of titles, those derived through the Anglo-Saxon laws and those derived through the grants of the Norman sovereigns, was gradually being effaced. The people looked back to the laws of Edward the Confessor, and forced them upon Edward II. But after passing the laws which prevented *nobles* from selling, and empowering *freemen* to do so, Edward III. found it needful to assert his claims to the entire land of England, and enacted in the twenty-fourth year of his reign:

"*That the king is the universal lord and original proprietor of all land in his kingdom; and that no man doth, or can possess, any part of it but what has mediately or immediately been derived as a gift from him to be held on feodal service.*"

Those who obtained gifts of land, only held or had the use of them; the ownership rested in the Crown. Feodal service, the maintenance of armed men, and the bringing them into the field, was the rent paid.

The wealth which came into England after the conquest of France influenced all classes, but none more than the family of the king. His own example seems to have affected his descendants. The invasion of France, and the captivity

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of its king, reappear in the invasion of England by Henry IV., and the capture and dethronement of Richard II. The prosperity of England during the reign of Edward, had passed away in that of his grandson. Very great distress pervaded the land, and it led to efforts to get rid of villeinage. The 1st Richard II. recites:

"That grievous complaints had been made to the Lords and Commons, that villeins and land tenants daily withdraw into cities and towns, and a special commission was appointed to hear the case, and decide thereon."

The complaint was renewed, and appears in Act 9 Richard II., cap. 2:

"Whereas divers villeins and serfs, as well of the great Lords as of other people, as well spiritual as temporal, do fly within the cities, towns, and places enfranched, as the city of London, and other like, and do feign divers suits against their Lords, to the intent to make them free by the answer of the Lords, it is accorded and assented that the Lords and others shall not be forebound of their villeins, because of the answer of the Lords."

Serfdom or slavery may have existed previous to the Anglo-Saxon invasion, but I am disposed to think that the Saxons, the Jutes, and the Angles reduced the inhabitants of the lands which they conquered, into serfdom. The history of that period shows that men, women, and children were constantly sold, and that there were established markets. One at Bristol, which was frequented by Irish buyers, was put down, owing to the remonstrance of the bishop. After the Norman invasion the name of *Villein*, a person attached to the *villa*, was given to the serfs. The *village* was their residence. Occasional instances of *enfranchisement* took place; the word signified being made free, and at that time every *freeman* was entitled to a vote. The word *enfranchise* has latterly come to bear a different meaning, and to apply solely to the possession of a vote, but it originally meant the elevation of a *serf* into the condition of a *freeman*. The act of enfranchisement was a public ceremony usually performed at the church door. The last act of ownership performed by the master was the

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piercing of the right ear with an awl. Many serfs fled into the towns, where they were enfranchised and became freemen.

The disaffection of the common people increased; they were borne down with oppression. They struggled against their masters, and tried to secure their personal liberty, and the freedom of their land. The population rose in masses in the reign of Richard II., and demanded—

1st. The total abolition of slavery for themselves and their children for ever;

2d. The reduction of the rent of good land to 4d. per acre;

3d. The right of buying and selling, like other men, in markets and fairs;

4th. The pardon of all offences.

The monarch acted upon insidious advice; he spoke them fair at first, to gain time, but did not fulfil his promises. Ultimately the people gained part of their demands. To limit or defeat them, an Act was passed, fixing the wages of labourers to 4d. per day, with meat and drink, or 6d. per day, without meat and drink, and others in proportion; but with the proviso, that if any one refused to serve or labour on these terms, every justice was at liberty to send him to jail, there to remain until he gave security to serve and labour as by law required. A subsequent Act prevents their being employed by the week, or paid for holidays.

Previous to this period, the major barons and great lords tilled their land by serfs, and had very large flocks and herds of cattle. On the death of the Bishop of Winchester, 1367, his executors delivered to Bishop Wykeham, his successor in the see, the following: 127 draught horses, 1556 head of cattle, 3876 wedders, 4777 ewes, and 3541 lambs. Tillage was neglected; and in 1314 there was a severe dearth, wheat sold at a price equal to £30 per quarter, the brewing of ale was discontinued by proclamation, in order "to prevent those of middle rank from perishing for want of food."

The dissensions among the descendants of Edward III. as to the right to the Crown, aided the nobles in their efforts to make their estates hereditary; and the civil wars which afflicted the nation tended to promote that object. Kings were crowned and

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discrowned at the will of the nobles, who compelled the freemen to part with their small estates. The oligarchy dictated to the Crown, and oppressed and kept down the freemen. The nobles allied themselves with the serfs, who were manumitted that they might serve as soldiers in the conflicting armies.

From the Conquest to the time of Richard II., only barons-by-tenure, the descendants of the companions of the Conqueror, were invited by writ to Parliament. That monarch made an innovation, and invited others who were not barons-by-tenure. The first dukedom was created the 11th of Edward III., and the first viscount the 18th Henry VI.

Edward IV. seized upon the lands granted by former kings, and gave them to his own followers, and thus created a feeling of uneasiness in the minds of the nobility, and paved the way for the events which were accomplished by a succeeding dynasty. The decision in the Taltarum case opened the question of succession; and Edward's efforts to put down retainers was the precursor of the Tudor policy.

We have a picture of the state of society in the reign of Edward IV. in the Paston Memoirs, written by Margaret Paston. Her husband, John Paston, was heir to Sir John Fastolf. He was bound by the will to establish in Caister Castle, Fastolf's own mansion, a college of religious men to pray for his benefactor's soul. But in those days might was right, and the Duke of Norfolk, fancying that he should like the house for himself, quietly took possession of it. At that time, Edward was just seated on the throne, and Edward had just been reported to Paston to have said in reference to another suit, that

"He would be your good lord therein as he would to the poorest man in England. He would hold with you in your right; and as for favour, he will not be understood that he shall show favour more to one man to another, not to one in England."

This was a true expression of the king's intentions. But either he was changeable in his moods, or during these early years he was hardly settled enough on the throne always to

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be able to carry out his wishes. This time, however, in some way or another, the great duke was reduced to submission, and Caister was restored to Paston.

In 1465 a new claimant appeared; and claimants, though as troublesome in the fifteenth as the nineteenth century, proceeded in a different fashion. This time it was the Duke of Suffolk, who asserted a right to the manor of Drayton in his own name, and who had bought up the assumed rights of another person to the manor of Hellesdon. John Paston was away, and his wife had to bear the brunt. An attempt to levy rent at Drayton was followed by a threat from the duke's men, that if her servants "ventured to take any further distresses at Drayton, even if it were but of the value of a pin, they would take the value of an ox in Hellesdon."

Paston and the duke alike professed to be under the law. But each was anxious to retain that possession which in those days seems really to have been nine points of the law. The duke got hold of Drayton, whilst Hellesdon was held for Paston. One day Paston's men made a raid upon Drayton, and carried off seventy-seven head of cattle. Another day the duke's bailiff came to Hellesdon with 300 men to see if the place were assailable. Two servants of Paston, attempting to keep a court at Drayton in their master's name, were carried off by force. At last the duke mustered his retainers and marched against Hellesdon. The garrison, too weak to resist, at once surrendered.

"The duke's men took possession, and set John Paston's own tenants to work, very much against their wills, to destroy the mansion and break down the walls of the lodge, while they themselves ransacked the church, turned out the parson, and spoiled the images. They also pillaged very completely every house in the village. As for John Paston's own place, they stripped it completely bare; and whatever there was of lead, brass, pewter, iron, doors or gates, or other things that they could not conveniently carry off, they hacked and hewed them to pieces. The duke rode through Hellesdon to Drayton the following day, while his men were still busy completing the wreck of destruction by the demolition of the lodge. The wreck

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of the building, with the rents they made in its walls, is visible even now" (Introd. xxxv.).

The meaning of all this is evident. We have before us a state of society in which the anarchical element is predominant. But it is not pure anarchy. The nobles were determined to reduce the middle classes to vassalage.

The reign of the Plantagenets witnessed the elevation of the nobility. The descendants of the Norman barons menaced, and sometimes proved too powerful for the Crown. In such reigns as those of Edward I., Edward III., and Henry V., the sovereigns held their own; but in those of John, Edward II., and Henry VI., the barons triumphed. The power wielded by the first Edward fell from the feeble grasp of his son and successor. The beneficent rule of Edward III. was followed by the anarchy of Richard II. Success led to excess. The triumphant party thinned the ranks of its opponents, and in turn experienced the same fate. The fierce struggle of the Red and White Roses weakened each. Guy, Earl of Warwick, "the king-maker," sank overpowered on the field of Tewkesbury, and with him perished many of the most powerful of the nobles. The jealousy of Richard III. swept away his own friends; and the bloody contest on Bosworth field destroyed the flower of the nobility. The sun of the Plantagenets went down, leaving the country weak and impoverished, from a contest in which the barons sought to establish their own power, to the detriment alike of the Crown and the freemen. The latter might have exclaimed:

> "Till half a patriot, half a coward, grown,
> We fly from meaner tyrants to the throne."

The long contest terminated in the defeat alike of the Crown and the nobles, but the nation suffered severely from the struggle.

The rule of this family proved fatal to the interest of a most important class, whose rights were jealously guarded by the Normans. The *Liberi Homines*, the freemen, who were *Odhal* occupiers, holding *in capite* from the sovereign, nearly disappeared in the wars of the Roses. Monarchs, who owed their crown to the favour of the nobles, were too weak to

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uphold the rights of those who held directly from the Crown, and who, in their isolation, were almost powerless.

The term *freeman*, originally one of the noblest in the land, disappeared in relation to urban tenures, and was applied solely to the personal rights of civic burghers; instead thereof arose the term *freeholder*, from *free hold*, which was originally a grant *free* from all rent, and only burthened with military service. The term was subsequently applied to land held for leases for lives as contradistinguished from leases for years, the latter being deemed *base* tenures, and insufficient to qualify a man to vote; the theory being that no man was free whose tenure could be disturbed during his life. Though the *Liberi Homines* or freemen were, as a class, overborne in this struggle, and reduced to vassalage, yet their descendants were able, under the leadership of Cromwell, to regain some of the rights and influence of which they had been despoiled under the Plantagenets.

Fortescue, Lord Chief-Justice to Henry VI., thus describes the condition of the English people:

"They drunk no water, unless it be that some for devotion, and upon a rule of penance, do abstain from other drink. They eat plentifully of all kinds of flesh and fish. They wear woollen cloth in all their apparel. They have abundance of bed covering in their houses, and all other woollen stuff. They have great store of all implements of household. They are plentifully furnished with all instruments of husbandry, and all other things that are requisite to the accomplishment of a great and wealthy life, according to their estates and degrees."

This flattering picture is not supported by the existing disaffection and the repeated applications for redress from the serfs and the smaller farmers, and the simple fact that the population had increased under the Normans—a period of 88 years—from 2,150,000 to 3,350,000, while under the Plantagenets—a period of 300 years—it only increased to 4,000,000, the addition to the population in that period being only 650,000. The average increase in the former period was nearly 14,000 per annum, while in the latter it did not much exceed 2000 per annum. This goes far to prove the evil from civil wars, and the oppression of the oligarchy.

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VI. THE TUDORS.

The protracted struggle of the Plantagenets left the nation in a state of exhaustion. The nobles had absorbed the lands of the *freemen*, and had thus broken the backbone of society. They had then entered upon a contest with the Crown to increase their own power; and to effect their selfish objects, set up puppets, and ranged under conflicting banners, but the Nemesis followed. The Wars of the Roses destroyed their own power, and weakened their influence, by sweeping away the heads of the principal families. The ambition of the nobles failed of its object, when "the last of the barons" lay gory in his blood on the field of Tewkesbury. The wars were, however, productive of one national benefit, in virtually ending the state of serfdom to which the aborigines were reduced by the *Scandinavian* invasion. The exhaustion of the nation prepared the way to changes of a most radical character; and the reigns of the Tudors are characterised by greater innovations and more striking alterations than even those which followed the accession of the Normans.

Henry of Richmond came out of the field of Bosworth a victor, and ascended the throne of a nation whose leading nobles had been swept away. The sword had vied with the axe. Henry VII. was prudent and cunning; and in the absence of any preponderating oligarchical influence, planted the heel of the sovereign upon the necks of the nobles. He succeeded where the Plantagenets had failed. His accession became the advent of a series of measures, which altered most materially the system of landholding. The Wars of the Roses showed that the power of the nobles was too great for the comfort of the monarch. The decision in Taltarum's case, in the reign of Edward IV., affected the entire system of entail. Land, partly freed from restrictions, passed into other hands. But Henry went further. He destroyed their physical influence by rigidly putting down retainers; and in one of his tours, while partaking of the hospitality of the Earl of Oxford, he fined him £15,000 for having greeted him with 5000 of his

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tenants in livery. The rigid enforcement of the laws passed against retainers in former reigns, but now made more penal, strengthened the king and reduced the power of the nobles. Their estates were relieved of a most onerous charge, and the lands freed from the burden of supporting the army of the State.

Henry VII. had thus a large fund to give away; the rent of the land granted in knight's service, virtually consisted of two separate funds—one part went to the feudee, as officer or commandant, the other to the soldiery or vassals. The latter part belonged to the State. Had Henry applied it to the re-establishment of the class of freemen (*Liberi Homines*), as was recently done by the Emperor of Russia, when he abolished serfdom, he would have created a power on which the Crown and the constitution could rely. This might have been done by converting the holdings of the men-at-arms into allodial estates, held direct from the Crown. Such an arrangement would have left the income of the feudee unimpaired, as it would only have applied the fund that had been paid to the men-at-arms to this purpose; and by creating out of that land a number of small estates held direct from the Crown, the misery that arose from the eviction and destruction of a most meritorious class, would have been avoided. Vagrancy, with its great evils, would have been prevented, and the passing of the poor laws would have been unnecessary. Unfortunately Henry and his counsellors did not appreciate the consequence of the suppression of retainers and liveries. He compensated the nobles, but destroyed the agricultural middle class, by the course he adopted to secure the influence of the Crown.

This change had an important and, in some respects, a most injurious effect upon the condition of the nation, and led to enactments of a very extraordinary character, which I must submit in detail, inasmuch as I prefer giving the *ipsissima verba* of the statute book to any statement of my own. To make the laws intelligible, I would remind you that the successful efforts of the nobles had, during the three centuries of Planta-

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genet rule, nearly obliterated the *Liberi Homines* (whose rights the Norman conqueror had sedulously guarded), and had reduced them to a state of vassalage. They held the lands of their lord at his will, and paid their rent by military service. When retainers were put down, and rent or knight's service was no longer paid with armed men, their occupation was gone. They were unfit for the mere routine of husbandry, and unprovided with funds for working their farms. The policy of the nobles was changed. It was no longer their object to maintain small farmsteads, each supplying its quota of armed men to the retinue of the lord; and it was their interest to obtain money rents. Then commenced a struggle of the most fearful character. The nobles cleared their lands, pulled down the houses, and displaced the people. Vagrancy, on a most unparalleled scale, took place. Henry VII., to check this cruel, unexpected, and harsh outcome of his own policy, resorted to legislation, which proved nearly ineffectual. As early as the fourth year of his reign, these efforts commenced with an enactment (cap. 19) for keeping up houses and encouraging husbandry; it is very quaint, and is as follows:

"The King, our Sovereign Lord, having singular pleasure above all things to avoid such enormities and mischiefs as be hurtful and prejudicial to the commonwealth of this his land and his subjects of the same, remembereth that, among other things, great inconvenience daily doth increase by dissolution, and pulling down, and wilful waste of houses and towns within this his realm, and laying to pasture lands, which continually have been in tilth, *whereby idleness, the ground and beginning of all mischief*, daily do increase; for where, in some towns 200 persons were occupied, and lived by these lawful labours, now there be occupied two or three herdsmen, and the residue full of idleness. The husbandry, which is one of the greatest commodities of the realm, is greatly decayed. Churches destroyed, the service of God withdrawn, the bodies there buried not prayed for, the patrons and curates wronged, the defence of the land against outward enemies feebled and impaired, to the great displeasure of God, the subversion of the policy and good rule of this land, if remedy be not hastily therefor purveyed: Wherefore, the King, our

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Sovereign Lord, by the assent and advice, etc., etc., ordereth, enacteth, and establisheth that no person, what estate, degree, or condition he be, that hath any house or houses, that at any time within the past three years hath been, or that now is, or heretofore shall be, let to farm with twenty acres of land at least, or more, laying in tillage or husbandry; that the owners of any such house shall be bound to keep, sustain, and maintain houses and buildings, upon the said grounds and land, convenient and necessary for maintaining and upholding said tillage and husbandry; and if any such owner or owners of house or house and land take, keep, and occupy any such house or house and land in his or their own hands, that the owner of the said authority be bound in likewise to maintain houses and buildings upon the said ground and land, convenient and necessary for maintaining and upholding the said tillage and husbandry. On their default, the king, or the other lord of the fee, shall receive half of the profits, and apply the same in repairing the houses; but shall not gain the freehold thereby."

This Act was followed by one with reference to the Isle of Wight, 4 Henry VII., cap. 16, which recites that it is so near France that it is desirable to keep it in a state of defence. It provides that no person shall have more than one farm, and enacts:

"For remedy, it is ordered and enacted that no manner of person, of what estate, degree, or condition soever, shall take any farm more than one, whereof the yearly rent shall not exceed ten marks; and if any several leases afore this time have been made to any person or persons of divers and sundry farmholds, whereof the yearly value shall exceed that sum, then the said person or persons shall choose one farmhold at his pleasure, and the remnant of the leases shall be void."

Mr Froude remarks (History, p, 26), "An Act, tyrannical in form, was singularly justified by its consequences. The farmhouses were rebuilt, the land reploughed, the island repeopled; and in 1546, when the French army of 60,000 men attempted to effect a landing at St Helens, they were defeated and driven back by the militia, and a few levies transported from Hampshire and the surrounding countries."

Lord Bacon, in his "History of the Reign of Henry VII.," says:

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"Enclosures, at that time, began to be more frequent, whereby arable land (which could not be manured without people and families), was turned into pasture, which was easily rid by a few herdsmen; and tenancies for years, lives, and at will (whereupon much of the yeomanry lived), were turned into demesnes. This bred a decay of people and (by consequence) a decay of towns, churches, tithes, and the like. The king, likewise, knew full well, and in nowise forgot, that there ensued withal upon this a decay and diminution of subsidies and taxes; for the more gentlemen, ever the lower books of subsidies. In remedying of this inconvenience, the king's wisdom was admirable, and the parliaments at that time. Enclosures they would not forbid, for that had been to forbid the improvement of the patrimony of the kingdom; nor tillage they would not compel, for that was to strive with nature and utility; but they took a course to take away depopulating enclosures and depopulating pasturage, and yet not by that name, or by any imperious express prohibition, but by consequence. The ordinance was, that all houses of husbandry, that were used with twenty acres of ground and upwards, should be maintained and kept up for ever, together with a competent proportion of land to be used and occupied with them; and in nowise to be severed from them, as by another statute made afterwards in his successor's time, was more fully declared: this, upon forfeiture to be taken, not by way of popular action, but by seizure of the land itself, by the king and lords of the fee, as to half the profits, till the houses and land were restored. By this means the houses being kept up, did of necessity enforce a dweller; and the proportion of the land for occupation being kept up, did of necessity enforce that dweller not to be a beggar or cottager, but a man of some substance, that might keep hinds and servants, and set the plough a-going. This did wonderfully concern the might and mannerhood of the kingdom, to have farms, as it were, of a standard sufficient to maintain an able body out of penury, and did, in effect, amortise a great part of the lands of the kingdom unto the hold and occupation of the yeomanry or middle people, of a condition between gentlemen and cottagers or peasants. Now, how much this did advance the military power of the kingdom, is apparent by the true principles of war, and the examples of other kingdoms. For it hath been held by the general opinion of men of best judgment in the wars (howsoever some few have varied, and that it may receive some

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distinction of case), that the principal strength of an army consisteth in the infantry or foot. And to make good infantry, it requireth men bred, not in a servile or indigent fashion, but in some free and plentiful manner. Therefore, if a state run most to noblemen and gentlemen, and that the husbandman and ploughman be but as their workfolks and labourers, or else mere cottagers (which are but housed beggars), you may have a good cavalry, but never good stable bands of foot; like to coppice woods, that if you leave in them standing too thick, they will run to bushes and briars, and have little clean underwood. And this is to be seen in *France* and *Italy*, and some other parts abroad, where in effect all is nobles or peasantry. I speak of people out of towns, and no middle people; and therefore no good forces of foot: insomuch as they are enforced to employ mercenary bands of *Switzers* and the like for their battalions of foot, whereby also it comes to pass, that those nations have much people and few soldiers. Whereas the king saw that contrariwise it would follow, that *England*, though much less in territory, yet should have infinitely more soldiers of their native forces than those other nations have. Thus did the king secretly sow *Hydra's* teeth; whereupon (according to the poet's fiction) should rise up armed men for the service of this kingdom."

The enactment above quoted was followed by others in that reign of a similar character, but it would appear they were not successful. The evil grew apace. Houses were pulled down, farms went out of tillage. The people, evicted from their farms, and having neither occupation nor means of living, were idle, and suffering. Succeeding sovereigns strove also to check this disorder, and statute after statute was passed. Amongst them are the 7th Henry VIII., cap. 1. It recites:

"That great inconveniency did daily increase by dissolution, pulling down, and destruction of houses, and laying to pasture, lands which customarily had been manured and occupied with tillage and husbandry, whereby idleness doth increase; for where, in some townlands, hundreds of persons and their ancestors, time out of mind, were daily occupied with sowing of corn and graynes, breeding of cattle, and other increase of husbandry, that now the said persons and their progeny are disunited and decreased. It further recites the evil consequences resulting from this state of things, and provides that all these buildings and habitations shall be re-edificed and

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repaired within one year; and all tillage lands turned into pasture shall be again restored into tillage; and in default, half the value of the lands and houses forfeited to the king, or lord of the fee, until they were re-edificed. On failure of the next lord, the lord above him might seize."

This Act did not produce that increased tilth which was anticipated. Farmers' attention was turned to sheep-breeding; and in order to supply the deficiency of cattle, an Act was passed in the 21st Henry VIII., to enforce the rearing of calves; and every farmer was, under a penalty of 6s. 8d. (about £5 of our currency), compelled to rear all his calves for a period of three years; and in the 24th Henry VIII., the Act was further continued for two years. The culture of flax and hemp was also encouraged by legislation. The 24th Henry VIII., cap. 14, requires every person occupying land apt for tillage, to sow a quarter of an acre of flax or hemp for every sixty acres of land, under a penalty of 3s. 4d.

The profit which arose from sheep-farming led to the depasturage of the land; and in order to check it, an Act, 25 Henry VIII., cap. 13, was passed. It commences thus:

"Forasmuch as divers and sundry persons of the king's subjects of this realm, to whom God of His goodness hath disposed great plenty and abundance of movable substance, now of late, within few years, have daily studied, practised, and invented ways and means how they might gather and accumulate together into few hands, as well great multitude of farms, as great plenty of cattle, and in especial sheep, putting such lands as they can get to pasture and not to tillage: whereby they have not only pulled down churches and towns, and enhanced the old rates of the rents of possessions of this realm, or else brought it to such excessive fines that no poor man is able to meddle with it, but have also raised and enhanced the prices of all manner of corn, cattle, wool, pigs, geese, hens, chickens, eggs, and such commodities almost double above the prices which hath been accustomed, by reason whereof a marvellous multitude of the poor people of this realm be not able to provide meat, drink, and clothes necessary for themselves, their wives, and children, but be so discouraged with misery and poverty, that they fall daily to theft, robbery, and other

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inconveniences, or pitifully die for hunger and cold; and it is thought by the king's humble and loving subjects, that one of the greatest occasions that moveth those greedy and covetous people so to accumulate and keep in their hands such great portions and parts of the lands of this realm from the occupying of the poor husbandmen, and so use it in pasture and not in tillage, is the great profit that cometh of sheep, which be now come into a few persons' hands, in respect of the whole number of the king's subjects, so that some have 24,000, some 20,000, some 10,000, some 6000, some 5000, and some more or less, by which a good sheep for victual, which was accustomed to be sold for 2s. 4d. or 3s. at most, is now sold for 6s., 5s., or 4s. at the least; and a stone of clothing wool, that in some shire of this realm was accustomed to be sold from 16d. to 20d., is now sold for 4s. or 3s. 4d. at the least; and in some counties, where it has been sold for 2s. 4d. to 2s. 8d., or 3s. at the most, it is now 5s. or 4s. 8d. at the least, and so arreysed in every part of the realm, which things thus used be principally to the high displeasure of Almighty God, to the decay of the hospitality of this realm, to the diminishing of the king's people, and the let of the cloth making, whereby many poor people hath been accustomed to be set on work; and in conclusion, if remedy be not found, it may turn to the utter destruction and dissolution of this realm which God defend."

It was enacted that no person shall have or keep on lands not their own inheritance more than 2000 sheep, under a penalty of 3s. 4d. per annum for each sheep; lambs, under a year old, not to be counted; and that no person shall occupy two farms.

Further measures appeared needful to prevent the evil; and the 27th Henry VIII., cap. 22, states that the 4th Henry VII., cap. 19, for keeping houses in repair, and for the tillage of the land, had been enforced on lands holden of the king, but neglected by other lords. It, therefore, enacted that the king shall have the moiety of the profits of lands converted from tillage to pasture, since the passing of the 4th Henry VII., until a proper house is built, and the land returned to tillage; and in default of the immediate lord taking the profits as under that Act, the king might take the same. This Act extended to the counties of Lincoln, Nottingham, Leicester,

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Warwick, Rutland, Northampton, Bedford, Buckingham, Oxford, Berkshire, Isle of Wight, Hertford, and Cambridge.

The simple fact was, that those who had formerly paid the rent of their land by service as soldiers were without the capital or means of paying rent in money; they were evicted and became vagrants. Henry VIII. took a short course with these vagrants, and it is asserted upon apparently good authority that in the course of his reign, thirty-six years, he hanged no less than 72,000 persons for vagrancy, or at the rate of 2000 per annum. The executions in the reign of his daughter, Queen Elizabeth, had fallen to from 300 to 400 per annum.

32 Henry VIII., cap. 1, gave powers of bequest with regard to land; as it explains the change it effected, I quote it:

"That all persons holding land in socage not having any lands holden by knight's service of the king in chief, be empowered to devise and dispose of all such socage lands, and in like case, persons holding socage lands of the king in chief, and also of others, and not having the lands holden by knight service, saving to the king, all his right, title, and interest for primer seizin, reliefs, fines for alienations, etc. Persons holding lands of the king by knight's service in chief were authorised to devise two-third parts thereof, saving to the king wardship, primer seizin, of the third paid, and fines for alienation of the whole lands. Persons holding lands by knight's service in chief, and also other lands by knight's service, or otherwise, may in like manner devise two-third parts thereof, saving to the king wardship of the third, and fines for alienation of the whole. Persons holding land of others than the king by knight's service, and also holding socage lands, may devise two-third parts of the former and the whole of the latter, saving to the lord his wardship of the third part. Persons holding lands of the king by knight's service but not in chief, or so holding of the king and others, and also holding socage lands, may in like manner devise two-thirds of the former and the whole of the latter, saving to the king the wardship of the third part, and also to the lords; and the king or the other lords were empowered to seize the one-third part in case of any deficiency."

The 34th and 35th Henry VIII., cap. 5, was passed to

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remove some doubts which had arisen as to the former statute; it enacts:

"That the words estates of inheritance should only mean estates in fee-simple only, and empowers persons seized of any lands, etc., in fee-simple solely, or in co-partnery (not having any lands holden of knight's service), to devise the whole, except corporations. Persons seized in fee-simple of land holden of the king by knight's service may give or devise two-thirds thereof, and of his other lands, except corporation, such two-thirds to be ascertained by the divisor or by commission out of the Court of Ward and Liveries. The king was empowered to take his third land descended to the heir in the first place, the devise in gift remaining good for the two-thirds; and if the land described were insufficient to answer such third, the deficiency should be made up out of the two-thirds."

"The next attack," remarks Sir William Blackstone, vol. ii., p. 117, "which they suffered in order of time was by the statute 32 Henry VIII., c. 28, whereby certain leases made by tenants in tail, which do not tend to prejudice the issue, were allowed to be good in law and to bind the issue in tail. But they received a more violent blow the same session of Parliament by the construction put upon the statute of fines by the statute 32 Henry VIII., cap. 36, which declares a fine duly levied by tenant in tail to be a complete bar to him and his heirs and all other persons claiming under such entail. This was evidently agreeable to the intention of Henry VII., whose policy was (before common recovery had obtained their full strength and authority) to lay the road as open as possible to the alienation of landed property, in order to weaken the overgrown power of his nobles. But as they, from the opposite reasons, were not easily brought to consent to such a provision, it was therefore couched in his Act under covert and obscure expressions; and the judges, though willing to construe that statute as favourably as possible for the defeating of entailed estates, yet hesitated at giving fines so extensive a power by mere implication when the statute *de donis* had expressly declared that they should not be a bar to estates-tail. But the statute of Henry VIII., when the doctrine of alienation was better received, and the will of the prince more implicitly obeyed than before, avowed and established that intention."

Fitzherbert, one of the judges of the Common Pleas in the

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reign of Henry VIII., wrote a work on surveying and husbandry. It contains directions for draining, clearing, and enclosing a farm, and for enriching the soil and reducing it to tillage. Fallowing before wheat was practised, and when a field was exhausted by grain it was allowed to rest. Hollingshed estimated the usual return as 16 to 20 bushels of wheat per acre; prices varied very greatly, and famine was of frequent recurrence. Leases began to be granted, but they were not effectual to protect the tenant from the entry of purchasers nor against the operation of fictitious recoveries.

In the succeeding reigns the efforts to encourage tillage and prevent the clearing of the farms were renewed, and amongst the enactments passed were the following:

5 Edward VI., cap. 5, for the better maintenance of tillage and increase of corn within the realm, enacts:

"That there should be, in the year 1553, as much land, or more, put wholly in tillage as had been at any time since the 1st Henry VIII., under a penalty of 5s. per acre to the king; and in order to secure this, it appoints commissioners, who were bound to ascertain by inquests what land was in tillage and had been converted from tillage into pasture. The commission issued precepts to the sheriffs, who summoned jurors, and the inquests were to be returned, certified, to the Court of Exchequer. Any prosecution for penalties should take place within three years, and the Act continued for ten years."

2 and 3 Philip and Mary, cap. 2, recites the former Acts of 4 Henry VII., cap. 19, etc., which it enforces. It enacts:

"That as some doubts had arisen as to the interpretation of the words twenty acres of land, the Act should apply to houses with twenty acres of land, according to the measurement of the ancient statute; and it appoints commissioners to inquire as to all houses pulled down and all land converted from pasture into tillage since the 4th Henry VII. The commissioners were to take security by recognisance from offenders, and to re-edify the houses and reconvert the land into tillage, and to assess the tenants for life towards the repairs. The amount expended under order of the commissioners was made recoverable against the estate, and the occupiers were made liable to

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their orders; and they had power to commit persons refusing to give security to carry out the Act."

2 and 3 Philip and Mary, cap. 3, was passed to provide for the increase of milch cattle, and it enacts:

"That one milch cow shall be kept and calf reared for every sixty sheep and ten oxen during the following seven years."

The 2d Elizabeth, cap. 2, confirms the previously quoted Acts of 4 Henry VII., cap. 19; 7 Henry VIII., cap. 1; 27 Henry VIII., cap. 22; 27 Henry VIII., cap. 18; and it enacts:

"That all farm-houses belonging to suppressed monasteries should be kept up, and that all lands which had been in tillage for four years successively at any time since the 20th Henry VIII., should be kept in tillage under a penalty of 10s. per acre, which was payable to the heir in reversion, or in case he did not levy it, to the Crown."

31 Elizabeth, cap. 7, went further; and in order to provide allotments for the cottagers, many of whom were dispossessed from their land, it provided:

"For avoiding the great inconvenience which is found by experience to grow by the erecting and building of great numbers of cottages, which daily more and more increased in many parts of the realm, it was enacted that no person should build a cottage for habitation or dwelling, nor convert any building into a cottage, without assigning and laying thereto four acres of land, being his own freehold and inheritance, lying near the cottage, under a penalty of £10; and for upholding any such cottages, there was a penalty imposed of 40s. a month, exception being made as to any city, town, corporation, ancient borough, or market town; and no person was permitted to allow more than one family to reside in each cottage, under a penalty of 10s. per month."

The 39th Elizabeth, cap. 2, was passed to enforce the observance of these conditions. It provides:

"That all lands which had been in tillage shall be restored thereto within three years, except in cases where they were worn out by too much tillage, in which case they might be grazed with sheep; but in order to prevent the deterioration of the land, it was enacted that the quantity of beeves or muttons sold off the land should not exceed that which was consumed in the mansion-house."

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In these various enactments of the Tudor monarchs we may trace the anxious desire of these sovereigns to repair the mistake of Henry VII., and to prevent the depopulation of England. A similar mistake has been made in Ireland since 1846, under which the homes of the peasantry have been prostrated, the land thrown out of tillage, and the people driven from their native land. Mr Froude has the following remarks upon this legislation:

"Statesmen (temp. Elizabeth) did not care for the accumulation of capital. They desired to see the physical well-being of all classes of the commonwealth maintained in the highest degree which the producing power of the country admitted. This was their object, and they were supported in it by a powerful and efficient majority of the nation. At one time, Parliament interfered to protect employers against labourers, but it was equally determined that employers should not be allowed to abuse their opportunities; and this directly appears from the 4th and 5th Elizabeth, by which, on the most trifling appearance of a diminution of the currency, it was declared that the labouring man could no longer live on the wages assigned to him by the Act of Henry VIII.; and a sliding scale was instituted, by which, for the future, wages should be adjusted to the price of food. The same conclusion may be gathered also indirectly from the Acts interfering imperiously with the rights of property where a disposition showed itself to exercise them selfishly.

"The city merchants, as I have said, were becoming landowners, and some of them attempted to apply their rules of trade to the management of landed estates. While wages were rated so high, *it answered better as a speculation to convert arable land into pasture, but the law immediately stepped in to prevent a proceeding which it regarded as petty treason to the State.* Self-protection is the first law of life, and the country, relying for its defence on an able-bodied population, evenly distributed, ready at any moment to be called into action, either against foreign invasion or civil disturbance, it could not permit the owners of land to pursue, for their own benefit, a course of action which threatened to weaken its garrisons. It is not often that we are able to test the wisdom of legislation by specific results so clearly as in the present instance. The first attempts of the kind which I have described were made in the Isle of Wight early in the reign of Henry

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VII. Lying so directly exposed to attacks by France, the Isle of Wight was a place which it was peculiarly important to keep in a state of defence, and the 4th Henry VII., cap. 16, was passed to prevent the depopulation of the Isle of Wight, occasioned by the system of large farms."

The city merchants alluded to by Froude, seem to have remembered that from the times of Athelwolf, the possession of a certain quantity of land, with gatehouse, church, and kitchen, converted the ceorl (churl) into a thane.

It is difficult to estimate the effect which the Tudor policy had upon the landholding of England. Under the feudal system, the land was held in trust and burthened with the support of the soldiery. Henry VII., in order to weaken the power of the nobles, put an end to their maintaining independent soldiery. Thus landlords' incomes increased, though their material power was curtailed. It would not have been difficult at this time to have loaded these properties with annual payments equal to the cost of the soldiers which they were bound to maintain, or to have given each of them a farm under the Crown, and strict justice would have prevented the landowners from putting into their pockets those revenues which, according to the grants and patents of the Conqueror and his successors, were specially devoted to the maintenance of the army. Land was released from the conditions with which it was burthened when granted. This was not done by direct legislation but by its being the policy of the Crown, to prevent "king-makers" arising from among the nobility. The dread of Warwick influenced Henry. He inaugurated a policy which transferred the support of the army from the lands, which should solely have borne it, to the general revenue of the country. Thus he relieved one class at the expense of the nation. Yet, when Henry was about to wage war on the Continent, he called all his subjects to accompany him, under pain of forfeiture of their lands; and he did not omit levying the accustomed feudal charge for knighting his eldest son and for marrying his eldest daughter. The Acts to prevent the landholder from oppressing the occu-

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pier, and those for the encouragement of tillage, failed. The new idea of—property in land, which then obtained, proved too powerful to be altered by legislation.

Another change in the system of landholding took place in these reigns. Lord Cromwell, who succeeded Cardinal Wolsey, as minister to Henry VIII., had land in Kent, and he obtained the passing of an Act (31 Henry VIII., cap. 2) which took his land and that of other owners therein named, out of the custom of gavelkind (gave-all-kind), which had existed in Kent from before the Norman Conquest, and enacted that they should descend according to common law in like manner as lands held by knight's service.

The suppression of the RELIGIOUS HOUSES gave the Crown the control of a vast quantity of land. It had, with the consent of the Crown, been devoted to religion by former owners. The descendants of the donors were equitably entitled to the land, as it ceased to be applied to the trust for which it was given, but the power of the Crown was too great, and their claims were refused. Had these estates been applied to purposes of religion or education they would have formed a valuable fund for the improvement of the people; but the land itself, as well as the portion of tithes belonging to the religious houses, was conferred upon favourites, and some of the wealthiest nobles of the present day trace their rise and importance, to the rewards obtained by their ancestors out of the spoils of these charities.

The importance of the measures of the Tudors upon the system of landholding can hardly be exaggerated. The impulse of self-defence led them to lessen the physical force of the oligarchy by relieving the land from the support of the army, and enabling them to convert to their own use the income previously applied to the defence of the realm. This was a bribe, but it brought its own punishment. The eviction of the working farmers, the demolition of their dwellings, the depopulation of the country, were evils of most serious magnitude; and the supplement of the measures which produced such deplorable results, was found in the permanent establishment of a

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taxation for the SUPPORT of the POOR. Yet the nation reeled under the depletion produced by previous mistaken legislation, and all classes have been injured by the transfer of the support of the army from the land held by the nobles to the income of the people.

Side by side, with the measures passed, to prevent the Clearing of the Land, arose the system of POOR LAWS. Previous to the Reformation the poor were principally relieved at the religious houses. The destruction of small farms, and the eviction of such masses of the people, which commenced in the reign of Henry VII., overpowered the resources of these establishments; their suppression in the reigns of Henry VIII. and Elizabeth aggravated the evil. The indiscriminate and wholesale execution of the poor vagrants by the former monarch only partially removed the evil, and the statute book is loaded with acts for the relief of the destitute poor. The first efforts were collections in the churches; but voluntary alms proving insufficient, the powers of the churchwardens were extended, and they were directed and authorised to assess the parishioners according to their means, and thus arose a system which, though benevolent in its object, is a slur upon our social arrangements. Land, the only source of food, is rightly charged with the support of the destitute. The necessity for such aid arose originally from their being evicted therefrom. The charge should fall exclusively upon the rent receivers, and in no case should the tiller of the soil have to pay this charge either directly or indirectly. It is continued by the inadequacy of wages, and the improvidence engendered by a social system which arose out of injustice, and produced its own penalty.

Legislation with regard to the poor commenced contemporaneous with the laws against the eviction of the small farmers. I have already recited some of the laws to preserve small holdings; I now pass to the Acts meant to compel landholders to provide for those whom they had dispossessed. In 1530 the Act 22 Henry VIII., cap. 12, was passed; it recites:

"Whereas in all places through the realm of England, vagabonds and beggars have of long time increased, and daily do increase, in

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great and excessive numbers *by the occasion of idleness, the mother and root of all vices*,* whereby hath insurged and sprung, and daily insurgeth and springeth, continual thefts, murders, and other heinous offences and great enormities, to the high displeasure of God, the inquietation and damage of the king and people, and to the marvellous disturbance of the commonweal of the realm."

It enacts that justices may give licence to impotent persons to beg within certain limits, and, if found begging out of their limits, they shall be set in the stocks. Beggars without licence to be whipped or set in the stocks. All persons able to labour, who shall beg or be vagrant, shall be whipped and sent to the place of their birth. Parishes to be fined for neglect of the constables.

37 Henry VIII., cap. 23, continued this Act to the end of the ensuing Parliament.

1 Edward VI., cap. 3, recites the increase of idle vagabonds, and enacts that all persons loitering or wandering shall be marked with a V, and adjudged a slave for two years, and afterwards running away shall become a felon. Impotent persons were to be removed to the place where they had resided for three years, and allowed to beg. A weekly collection was to be made in the churches every Sunday and holiday after reading the gospel of the day, the amount to be applied to the relief of bedridden poor.

5 and 6 Edward VI., cap. 2, directs the parson, vicar, curate, and churchwardens, to appoint two collectors to distribute weekly to the poor. The people were exhorted by the clergy to contribute; and, if they refuse, then, upon the certificate of the parson, vicar, or curate, to the bishop of the diocese, he shall send for them and induce him or them to charitable ways.

2 and 3 Philip and Mary, cap. 5, re-enacts the former, and requires the collectors to account quarterly; and where the poor are too numerous for relief, they were licensed by a justice of the peace to beg.

* See 4 Henry VII., cap. 19, *ante*, p. 146, where the same expression occurs, showing that it was throwing the land out of tilth that occasioned pauperism.

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5 Elizabeth, cap. 3, confirms and renews the former Acts, and compels collectors to serve under a penalty of £10. Persons refusing to contribute their alms shall be exhorted, and, if they obstinately refuse, shall be bound by the bishop to appear at the next general quarter session, and they may be imprisoned if they refuse to be bound.

The 14th Elizabeth, cap. 5, requires the justices of the peace to register all aged and impotent poor born or for three years resident in the parish, and to settle them in convenient habitations, and ascertain the weekly charge, and assess the amount on the inhabitants, and yearly appoint collectors to receive and distribute the assessment, and also an overseer of the poor. This Act was to continue for seven years.

The 18th Elizabeth, cap. 3, provides for the employment of the poor. Stores of wool, hemp, flax, iron, etc., to be provided in cities and towns, and the poor set to work. It empowered persons possessed of land in free socage to give or devise same for the maintenance of the poor.

The 39th Elizabeth, cap. 3, and the 43d Elizabeth, cap. 2, extended these Acts, and made the assessment compulsory.

I shall ask you to compare the date of these several laws for the relief of the destitute poor with the dates of the enactments against evictions. You will find they run side by side.*

* The following tables of the Acts passed against eviction, and enacting the support of the poor, show that they were contemporaneous:

Against Evictions.				Enacting Poor Laws.			
4	Henry VII.,	Cap.	19.				
7	Henry VIII.,	,,	1.				
21	,,			22	Henry VIII.,	Cap.	12.
24	,,	,,	14.	37	,,	,,	23.
25	,,	,,	13.	1	Edward VI.,	,,	3.
27	,,	,,	22.	5 and 6	,,	,,	2.
5	Edward VI.,	,,	5.	2 and 3	Philip and Mary,	,,	5.
2 and 3	Philip and Mary,	,,	2.	5	Elizabeth,	,,	3.
,,	,,	,,	3.	14	,,	,,	5.
2	Elizabeth,	,,	2.	18	,,	,,	3.
31	,,	,,	7.	39	,,	,,	3.
39	,,	,,	2.	43	,,	,,	2.

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I have perhaps gone at too great length into detail; but I think I could not give a proper picture of the alteration in the system of landholding or its effects without tracing from the statute-book the black records of these important changes. The suppression of monasteries tended greatly to increase the sufferings of the poor, but I doubt if even these institutions could have met the enormous pressure which arose from the wholesale evictions of the people. The laws of Henry VII. and Henry VIII., enforcing the tillage of the land, preceded the suppression of religious houses, and the Act of the latter monarch allowing the poor to beg was passed before any steps were taken to close the convents. That measure was no doubt injurious to the poor, but the main evil arose from other causes. The lands of these houses, when no longer applicable to the purpose for which they were given, should have reverted to the heirs of the donors, or have been applied to other religious or educational purposes. The bestowal of them upon favourites, to the detriment alike of the State, the Church, the Poor, and the Ignorant, was an abuse of great magnitude, the effect of which is still felt. The reigns of the Tudors are marked with three events affecting the land—viz.:

1st. Relieving it of the support of the army;
2d. Burthening of it with the support of the poor;
3d. Applying the monastic lands to private uses.

The abolition of retainers, while it relieved the land of the nobles from the principal charge thereon, did not entirely abolish knight's service. The monarch was entitled to the care of all minors, to *aids* on the marriage or knighthood of the eldest son, to *primer-seizin* or a year's rent upon the death of each tenant of the Crown. These fees were considerable, and were under the care of the Court of Ward and Liveries.

The artisan class had, however, grown in wealth, and they were greatly strengthened by the removal from France of large numbers of workmen in consequence of the revocation of the Edict of Nantes. These prosperous tradespeople became

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landowners by purchase, and thus tended to replace the *Liberi Homines*, or freemen, who had been destroyed under the wars of the nobles, which effaced the landmarks of English society. The liberated serfs attained the position of paid farm-labourers; had the policy of Elizabeth, who enacted that each of their cottages should have an allotment of four acres of land, been carried out, it would have been most beneficial to the State.

The reign of this family embraced one hundred and eighteen years, during which the increase of the population was about twenty-five per cent. When Henry VII. ascended the throne in 1485 it was 4,000,000, and on the death of Queen Elizabeth in 1603 it had reached 5,000,000, the average increase being about 8000 per annum. The changes effected in the condition of the farmers' class left the mass of the people in a far worse state at the close than at the opening of their rule.

VII. THE STUARTS.

The accession of the Stuarts to the throne of England took place under peculiar circumstances. The nation had just passed through two very serious struggles—one political, the other religious. The land which had been in the possession of religious communities, instead of being retained by the State for educational or religious purposes, had been given to favourites. A new class of ownerships had been created—the lay impropriators of tithes. The suppression of retainers converted land into a *quasi* property. The extension to land of the powers of bequest gave the possessors greater facilities for disposing thereof. It was relieved from the principal feudal burthen, military service, but remained essentially feudal as far as tenure was concerned. Men were no longer furnished to the State as payment of the knight's fee; they were cleared off the land, to make room for sheep and oxen, England being in that respect about two hundred years in advance of Ireland, though without the outlet of emigration. Vagrancy and its attendant evils led to the poor law.

James I. and his ministers tried to grapple with the altered

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circumstances, and strove to substitute an equitable Crown rent or money payment for the existing and variable claims which were collected by the Court of Ward and Livery. The *knight's fee* then consisted of twelve ploughlands, a more modern name for "a hide of land." The class burthened with knight's service, or payments in lieu thereof, comprised 160 temporal and 26 spiritual lords, 800 barons, 600 knights, and 3000 esquires. The knight's fee was subject to *aids*, which were paid to the Crown upon the marriage of the king's son or daughter. Upon the death of the possessor, the Crown received as *primer-seizin* a year's rent. If the successor was an infant, the Crown, under the name of *Wardship*, took the rents of the estates. If the ward was a female, a fine was levied if she did not accept the husband chosen by the Crown. Fines on alienation were also levied, and the estates, though sold, became escheated, and reverted to the Crown upon the failure of issue. These various fines kept alive the principle that the lands belonged to the Crown as representative of the nation; but, as they varied in amount, James I. proposed to compound with the tenants-in-fee, and to convert them into fixed annual payments. The nobles refused, and the scheme was abandoned.

In the succeeding reign, the attempt to stretch royal power beyond its due limits led to resistance by force, but it was no longer a mere war of nobles; their power had been destroyed by Henry VII. The Stuarts had to fight the people with a paid army, and the Commons, having the purse of the nation, opposed force to force. The contest eventuated in a military protectorship. Many of the principal tenants-in-fee fled the country to save their lives. Their lands were confiscated and given away; thus the Crown rights were weakened, and Charles II. was forced to recognise many of the titles given by Cromwell; he did not dare to face the convulsion which must follow an expulsion of the *novo homo* in possession of the estates of more ancient families; but legislation went further—it abolished all the remaining feudal charges. The Commons appear to have assented to this change, from

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a desire to lessen the private income of the Sovereign, and thus to make him more dependent upon Parliament. This was done by the 12th Charles II., cap. 24. It enacts:

"That the Court of Ward and Liveries, primer seizin, etc., and all fines for alienation, tenures by knight's service, and tenures *in capite*, be done away with and turned into free and common socage, and discharged of homage, escuage, aids, and reliefs. All future tenures created by the king to be in free and common socage, reserving rents to the Crown and also fines on alienation. It enables fathers to dispose of their children's share during their minority, and gives the custody of the personal estate to the guardians of such child, and imposes in lieu of the revenues raised in the Court of Ward and Liveries, duties upon beer and ale."

The land was relieved of its legitimate charge and a tax on beer and ale imposed instead! the landlords were relieved at the expense of the people.

The statute which accomplished this change is described by Blackstone as—

"A greater acquisition to the civil property of this kingdom than even *Magna Charta* itself, since that only pruned the luxuriances that had grown out of military tenures, and thereby preserved them in vigour; but the statute of King Charles extirpated the whole, and demolished both root and branches."

The efforts of James II. to rule contrary to the wish of the nation, led to his expulsion from the throne, and showed that, in case of future disputes as to the succession, the army, like the Prætorian Guards of Rome, had the selection of the monarch. The Red and White Roses of the Plantagenets reappeared under the altered names of Whig and Tory; but it was proved that the decision of a leading soldier like the Duke of Marlborough would decide the army, and that it would govern the nation; fortunately the decision was a wise one, and was ratified by Parliament: thus *force* governed *law*, and the decision of the *army* influenced the *Senate*. William III. succeeded, *as an elected monarch*, under the Bill

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of Rights. This remarkable document contains no provision, securing the tenants-in-fee in their estates; and I have not met with any treatise dealing with the legal effects of the eviction of James II. All patents were covenants between the king and his heirs, and the patentees and their heirs. The expulsion of the sovereign virtually destroyed the title; and an elected king, who did not succeed *as heir*, was not bound by the patents of his predecessors, nor was William asked, by the Bill of Rights, to recognise any of the existing titles. This anomalous state of things was met in degree by the statute of prescriptions, but even this did not entirely cure the defect in the titles to the principal estates in the kingdom. The English tenants in decapitating one landlord and expelling another, appear to have destroyed their titles, and then endeavoured to renew them by prescriptive right; but I shall not pursue this topic further, though it may have a very definite bearing upon the question of landholding.

It may not be uninteresting to allude rather briefly to the state of England at the close of the seventeenth century. Geoffrey King, who wrote in 1696, gives the first reliable statistics about the state of the country. He estimated the number of houses at 1,300,000, and the average at four to each house making the population 5,318,000. He says there was but seven acres of land for each person, but that England was six times better peopled than the known world, and twice better than Europe. He calculated the total income at £43,500,000, of which the yearly rent of land was £10,000,000. The income was equal to £7, 18s. 0d. per head, and the expense £7, 11s. 4d.; the yearly increase, 6s. 8d. per head, or £1,800,000 per annum. He estimated the annual income of 160 temporal peers at £2800 per annum, 26 spiritual peers at £1300, of 800 baronets at £800, and of 600 knights at £650.

He estimated the area at 39,000,000 acres (recent surveys make it 37,319,221). He estimated the arable land at 11,000,000 acres, and pasture and meadow at 10,000,000, a total of 21,000,000. The area under all kinds of crops and permanent pasture was, in 1874, 26,686,098 acres; there-

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fore about five and a half million acres have been reclaimed and added to the arable land. As the particulars of his estimate may prove interesting, I append them in a note.*

He places the rent of the corn land at about one-third of the produce, and that of pasture land at rather more. The

* Geoffrey King thus classifies the land of England and Wales :

	Acres.	Value ₱ Acre.	Rent.
Arable Land,	11,000,000	£0 5 10	£3,200,000
Pasture and Meadow,	10,000,000	0 9 0	4,500,000
Woods and Coppices,	3,000,000	0 5 0	750,000
Forests, Parks, and Covers,	3,000,000	0 3 6	550,000
Moors, Mountains, and Barren Lands,	10,000,000	0 1 0	500,000
Houses, Homesteads, Gardens, Orchards, Churches, and Churchyards,	1,000,000	The Land,	450,000
		The Buildings,	2,000,000
Rivers, Lakes, Meres, and Ponds,	500,000	0 2 0	50,000
Roadways and Waste Lands,	500,000		
	39,000,000	£0 6 0½	£12,000,000

He estimates the live stock thus :

		Value without the Skin.	
Beeves, Stirks, and Calves,	4,500,000	£2 0 0	£9,000,000
Sheep and Lambs,	11,000,000	0 8 0	4,400,000
Swine and Pigs,	2,000,000	0 16 0	1,600,000
Deer, Fawns, Goats and Kids,			247,900
			15,247,900
Horses,	1,200,000	2 0 0	3,000,000
Value of Skins,			2,400,000
			£20,647,900

The annual produce he estimated as follows :

	Acres.	Rent.	Produce.
Grain,	10,000,000	£3,000,000	£8,275,000
Hemp, Flax, etc.,	1,000,000	200,000	2,000,000
Butter, Cheese, and Milk,			2,500,000
Wool,			2,000,000
Horses bred,			250,000
Flesh Meat,	29,000,000	6,800,000	3,500,000
Tallow and Hides,			600,000
Hay Consumed,			2,300,000
Timber,			1,000,000
Total,	39,000,000	£10,000,000	£22,275,000

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price of meat per lb. was: beef, 1½d.; mutton, 2½d.; pork, 3d.; venison, 6d.; hares, 7d.; rabbits, 6d. The weight of flesh-meat consumed was 398,000,000 lbs., it being 72 lbs. 6 oz. for each person, or 3⅛ oz. daily. I shall have occasion to contrast these figures with those lately published when I come to deal with the present; but a great difference has arisen from the alteration in price, which is owing to the increase in the quantity of the precious metals.

The reign of the last sovereign of this unfortunate race was distinguished by the first measures to *enclose the commons* and convert them into private property, with which I shall deal hereafter.

The changes effected in the land laws of England during the reigns of the Stuarts, a period of 111 years, were very important. The Act of Charles II. which abolished the Court of Ward and Liveries, appeared to be an abandonment of the rights of the people, as asserted in the person of the Crown; and this alteration also seemed to give colour of right to the claim which is set up of *property in land*, but the following law of Edward III. never was repealed:

"*That the king is the universal lord and original proprietor of all land in his kingdom, and that no man doth or can possess any part of it but what has mediately or immediately been derived as a gift from him to be held on feodal service.*"

No lawyer will assert for any English subject a higher title than tenancy-in-fee, which bears the impress of *holding* and denies the assertion of *ownership*.

The power of the nobles, the tenants-in-fee, was strengthened by an Act passed in the reign of William and Mary, which altered the relation of landlord and tenant. Previous thereto, the landlord had the power of distraint, but he merely held the goods he seized to compel the tenant to perform personal service. It would be impossible for a tenant to pay his rent if his stock or implements were sold off the land. As the Tudor policy of money payments extended, the greed for pelf led to an alteration in the law, and the Act of

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William and Mary allowed the landlord to sell the goods he had distrained. The tenant remained in possession of the land without the means of tilling it, which was opposed to public policy. This power of distraint was, however, confined to holdings in which there were leases by which the tenant covenanted to allow the landlord to distrain his stock and goods in default of payment of rent. The legislation of the Stuarts was invariably favourable to the possessor of land and adverse to the rights of the people. The government during the closing reigns was oligarchical, so much so, that William III., annoyed at the restriction put upon his kingly power, threatened to resign the crown and retire to Holland; but the aristocracy were unwilling to relax their claims, and they secured by legislation the rights they appeared to have lost by the deposition of the sovereign.

The population had increased from 5,000,000 in 1603 to 5,750,000 in 1714, being an average increase of less than 7000 per annum.

VIII. THE HOUSE OF HANOVER.

The first sovereign of the House of Hanover ascended the throne not by right of descent but by election; the legitimate heir was set aside, and a distant branch of the family was chosen, and the succession fixed by Act of Parliament; but it is held by jurists that every Parliament is sovereign and has the power of repealing any Act of any former Parliament. The beneficial rule of some of the latter monarchs of this family has endeared them to the people, but the doctrine of reigning by Divine right, the favourite idea of the Stuarts, is nullified, when the monarch ascends the throne by statute law and not by succession or descent.

The age of chivalry passed away when the Puritans defeated the Cavaliers. The establishment of standing armies, and the creation of a national debt, went to show that *money*, not knighthood or knight's service, gave force to law. The possession of wealth and of rent gave back to their possessors

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even larger powers than those wrested from them by the first Tudor king. The maxim that "what was attached to the freehold belonged to the freehold," gave the landlords even greater powers than those held by the sword, and of which they were despoiled. Though nominally forbidden to take part in the election of the representatives of the Commons, yet they virtually had the power, the creation of freehold, the substance and material of electoral right; and consequently both Houses of Parliament were essentially *landlord*, and the laws, for the century which succeeded the ascension of George I., are marked with the assertion of landlord right which is tenant wrong.

Amongst the exhibitions of this influence is an Act passed in the reign of George II., which extended the power of distraint for rent, and the right to sell the goods seized—to all tenancies. Previous legislation confined this privilege solely to cases in which there were leases, wherein the tenant, by written contract, gave the landlord power to seize in case of non-payment of rent, but there was no legal authority to sell until it was given by an Act passed in the reign of William III. The Act of George II. presumed that there was such a contract in all cases of parole letting or tenancy-at-will, and extended the landlord's powers to such tenancies. It is an anomaly to find that in the freest country in the world such an arbitrary power is confided to individuals, or that the landlord-creditor has the precedence over all other creditors, and can, by his own act, and without either trial or evidence, issue a warrant that has all the force of the solemn judgment of a court of law; and it certainly appears unjust to seize a crop, the seed for which is due to one man, and the manure to another, and apply it to pay the rent. But landlordism, entrusted with legislative power, took effectual means to preserve its own prerogative, and the form of law was used by parliaments, in which landlord influence was paramount, to pass enactments which were enforced by the whole power of the State, and sustained individual or class rights.

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The effect of this measure was most unfortunate; it encouraged the letting of lands to tenants-at-will or tenants from year to year, who could not, under existing laws, obtain *the franchise* or power to vote—they were not *freemen*, they were little better than serfs. They were tillers of the soil, rent-payers who could be removed at the will of another. They were not even *freeholders*, and had no political power—no voice in the affairs of the nation. The landlords in Parliament gave themselves, individually by law, all the powers which a tenant gave them by contract, while they had no corresponding liability, and, therefore, it was their interest to refrain from giving leases, and to make their tenantry as dependent on them as if they were mere serfs. This law was especially unfortunate, and had a positive and very great effect upon the condition of the farming class and upon the nation, and people came to think that landlords could do as they liked with their land, and that the tenants must be creeping, humble, and servile.

An effort to remedy this evil was made in 1832, when the occupiers, if rented or rated at the small amount named, became voters. This gave the power to the holding, not to the man, and the landlord could by simple eviction deprive the man of his vote: hence the tenants-at-will were driven to the hustings like sheep—they could not, and dare not, refuse to vote as the landlord ordered.

The lords of the manor, with a landlord Parliament, asserted their claims to the commonages, and these lands belonging to the people, were gradually enclosed, and became the possession of individuals. The enclosing of commonages commenced in the reign of Queen Anne, and was continued in the reigns of all the sovereigns of the House of Hanover. The first enclosure Act was passed in 1709; in the following thirty years the average number of enclosure bills was about three each year; in the following fifty years there were nearly *forty* each year; and in the forty years of the nineteenth century it was nearly *fifty* per annum.

The enclosures in each reign were as follows:

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	Acts.	Acres.
Queen Anne, . . .	2	1,439
George I., ...	16	17,660
George II., ...	226	318,784
George III., ...	3446	3,500,000
George IV., ...	192	250,000
William IV., ...	72	120,000
Total, . . .	3954	4,207,883

These lands belonged to the people, and might have been applied to relieve the poor. Had they been allotted in small farms, they might have been made the means of support of from 500,000 to 1,000,000 families, and they would have afforded employment and sustenance to all the poor, and thus rendered compulsory taxation under the poor-law system unnecessary; but the landlords seized on them and made the tenantry pay the poor-rate.

The British poor law is a slur upon its boasted civilisation. The unequal distribution of land and of wealth leads to great riches and great poverty. Intense light produces deep shade. Nowhere else but in wealthy England do God's creatures die of starvation, wanting food, while others are rich beyond comparison. The soil which affords sustenance for the people is rightly charged with the cost of feeding those who lack the necessaries of life, but the same object would be better achieved in a different way. Poor-rates are now a charge upon a man's entire estate, and it would be much better for society if land to an amount equivalent to the charge were taken from the estate and assigned to the poor. If a man is charged with £100 a year poor-rate, it would make no real difference to him, while it would make a vast difference to the poor to take land to that value, put the poor to work tilling it, allowing them to enjoy the produce. Any expense should be paid direct by the landlord, which would leave the charge upon the land, and exempt the improvements of the tenant, which represent his labour free.

The evil has intensified in magnitude, and a permanent

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army of paupers numbering at the minimum 829,281 persons, but increasing at some periods to upwards of 1,000,000, has to be provided for; the cost, about £8,000,000 a year, is paid, not by landlords but by tenants, in addition to the various charities founded by benevolent persons.

There are two classes relieved under this system, and which ought to be differently dealt with—the sick and the young. Hospitals for the former and schools for the latter ought to take the place of the workhouse. It is difficult to fancy a worst place for educating the young than the workhouse, and it would tend to lessen the evil were the children of the poor trained and educated in separate establishments from those for the reception of paupers. Pauperism is the concomitant of large holdings of land and insecurity of tenure. The necessity of such a provision arose, as I have previously shown, from the wholesale eviction of large numbers of the occupiers of land; and as the means of supplying the need came from the LAND, the expense should, like tithes, have fallen exclusively upon land. The poor-rates are, however, also levied upon houses and buildings, which represent labour. The owner of land is the people, as represented by the Crown, and the charges thereon next in succession to the claims of the State are the CHURCH and the POOR.

The Continental wars at the close of the eighteenth and the commencement of the nineteenth century had some effect upon the system of tillage; they materially enhanced the price of agricultural produce—rents were raised, and the national debt was contracted, which remains a burthen on the nation.

The most important change, however, arose from scientific and mechanical discoveries—the application of heat to the production of motive power. As long as water, which is a non-exhaustive source of motion, was used, the people were scattered over the land; or if segregation took place, it was in the neighbourhood of running streams. The application of steam to the propulsion of machinery, and the discovery of engines capable of competing with the human hand, led to

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the substitution of machine-made fabrics for clothing, in place of home-spun articles of domestic manufacture. This led to the employment of farm-labourers in procuring coals, to the removal of many from the rural into the urban districts, to the destruction of the principal employment of the family during the winter evenings, and consequently effected a great revolution in the social system. Many small freeholds were sold, the owners thinking they could more rapidly acquire wealth by using the money representing their occupancy, in trade. Thus the large estates became larger, and the smaller ones were absorbed, while the appearance of greater wealth from exchanging subterranean substances for money, or its representative, gave rise to ostentatious display. The rural population gradually diminished, while the civic population increased. The effect upon the system of landholding was triplicate. First, there was a diminution in the amount of labour applicable to the cultivation of land; second, there was a decrease in the amount of manure applied to the production of food; and lastly, there was an increase in the demand for land, as a source of investment, by those who, having made money in trade, sought that social position which follows the possession of broad acres. Thus the descendants of the feudal aristocracy were pushed aside by the modern plutocracy.

This state of things had a double effect. Food is the result of two essential ingredients—LAND and LABOUR. The diminution in the amount of labour applied to the soil, consequent upon the removal of the labourers from the land, lessened the quantity of food; while the consumption of that food in cities and towns, and the waste of the fertile ingredients which should be restored to the soil, tended to exhaust the land, and led to vast importations of foreign and the manufacture of mineral manures. I shall not detain you by a discussion of this aspect of the question, which is of very great moment, consequent upon the removal of large numbers of people from rural to urban districts; but I may be excused in saying that agricultural chemistry shows that the soil—

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"perpetual man"—contains the ingredients needful to support human life; those animals meant for man's use, being products of the soil. These ingredients are seized upon by the roots of plants and converted into aliment. If they are consumed where grown, and the refuse restored to the soil, its fertility is preserved, nay, more, the effect of tillage is to increase its productive power. It is impossible to exhaust land, no matter how heavy the crops that are grown, if the produce is, after consumption, restored to the soil. I have shown you how, in the reign of Queen Elizabeth, a man was not allowed to sell meat off his land unless he brought to, and consumed on it, the same weight of other meat. This was true agricultural and chemical economy. But when the people were removed from country to town, when the produce grown in the former was consumed in the latter, and the refuse which contained the elements of fertility was not restored to the soil but swept away by the river, a process of exhaustion took place, which has been met in degree by the use of imported and artificial manures. The SEWAGE question is taken up mainly with reference to the health of towns, but it deserves consideration in another aspect—its influence upon the production of food in the nation.

An exhaustive process upon the fertility of the globe has been set on foot. The accumulations of vegetable mould in the primeval forests have been converted into grain, and sent to England, leaving permanent barrenness in what should be prolific plains; and the deposits of the Chincha and Ichaboe Islands have been imported in myriads of tons, to replace in our own land the resources of which it is bereft by the civic consumption of rural produce.

These conjoined operations were accelerated by the alteration in the British corn laws in 1846, which placed the English farmer, who tried to preserve his land in a state of fertility, in competition with foreign grain-growers, who, having access to boundless fields of virgin soil, grow grain year after year until, having exhausted the fertile element, they leave it in a barren condition, and resort to other parts. A competition

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under such circumstances resembles that of two men of equal income, one of whom appears wealthy by spending a portion of his capital, the other parsimonious by living within his means. Of course, the latter has to debar himself of many enjoyments. The British farmer has lessened the produce of grain, and consequently of meat; and the nation has become dependent upon foreigners for meat, cheese, and butter, as well as for bread.

This is hardly the place to discuss a question of agriculture, but scientific farmers know that there is a rotation of crops,* and that as one is diminished the others lessen. The quantity under tillage is a multiple of the area under grain. A diminution in corn is followed by a decrease of the extent under turnips and under clover; the former directly affects man, the latter the meat-affording animals. A decrease in the breadth under tillage means an addition to the pasture land, which in this climate only produces meat during the warm portions of the year. I must, however, not dwell upon this topic, but whatever leads to a diminution in the LABOUR applied to the LAND lessens the production of food, and *dear meat* may only be the supplement to *cheap corn.*

I shall probably be met with the hackneyed cry, The question is entirely one of price. Each farmer and each landlord will ask himself, Does it pay to grow grain? and in reply to any such inquiry, I would refer to the annual returns. I find that in the five years, 1842 to 1846, wheat ranged from 50s. 2d. to 57s. 9d.; the average for the entire period being 54s. 10d. per quarter. In the five years from 1870 to 1874 it ranged from 46s. 10d. to 58s. 8d., the average for the five years being 54s. 7d. per quarter. The reduction in price has only been 3d. per quarter, or less than one-half per cent.

* The agricultural returns of the United Kingdom show that 50½ per cent. of the arable land was under pasture, 24 per cent. under grain, 12 per cent. under green crops and bare fallow, and 13 per cent. under clover. The rotation would, therefore, be somewhat in this fashion: Nearly one-fourth of the land in tillage, is under a manured crop or fallow, one-fourth under wheat, one-fourth under clover, and one-fourth under barley, oats, etc., the succession being, first year, the manured crop; next year, wheat; third year, clover; fourth, barley or oats; and so on.

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I venture to think that there are higher considerations than mere profit to individuals, and that, as the lands belong to the whole State as represented by the Crown, and as they are held in trust *to produce food for the people*, that trust should be enforced.

The average consumption of grain by each person is about a quarter (eight bushels) per annum. In 1841 the population of the United Kingdom was 27,036,450. The average import of foreign grain was about 3,000,000 quarters, therefore *twenty-four millions* were fed on the domestic produce. In 1871 the population was 31,513,412, and the average importation of grain 20,000,000 quarters; therefore only *eleven and a half millions* were supported by home produce. Here we are met with the startling fact that our own soil is not now supplying grain to even one half the number of people to whom it gave bread in 1841. This is a serious aspect of the question, and one that should lead to examination, whether the development of the system of landholding, the absorptions of small farms and the creation of large ones, is really beneficial to the State, or tends to increase the supply of food. The area under grain in England in 1874 was 8,021,077 acres. In 1696 it was 10,000,000 acres, the diminution having been 2,000,000 acres. The average yield would probably be *four quarters per acre*, and therefore the decrease amounted to the enormous quantity of *eight million quarters*, worth £25,000,000, which had to be imported from other countries, to fill up the void, and feed 8,000,000 of the population; and if a war took place, England may, like Rome, be starved into peace.

An idea prevails that a diminution in the extent under grain implies an increase in the production of meat. The best answer to that fallacy lies in the great increase in the price of meat. If the supply had increased the price would fall, but the converse has taken place. A comparison of the figures given by Geoffrey King, in the reign of William III., with those supplied by the Board of Trade in the reign of Queen Victoria, illustrates this phase of the landholding question, and shows whether the "enlightened policy" of the nineteenth

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century tends to encourage the fulfilment of the trust which applies to land—*the production of food:* *

The former shows that in 1696 there were *ten million* acres under grain, the latter only *eight million* acres. Two million acres were added for cattle feeding. The former shows that the pasture land was *ten million acres*, and that green crops and clover were unknown. The latter that there were *twelve million acres* under pasture, and, in addition, that there were nearly *three million acres* of green crop and *three million acres* of clover. The addition to the cattle-feeding land was eight million acres; yet the number of cattle in 1696 was 4,500,000, and in 1874, 4,305,400. Of sheep, in 1696, there were 11,000,000, and in 1874, 19,889,758. The population had increased fourfold, and it is no marvel that meat is dear. It is the interest of agriculturalists to *keep down the quantity and keep up the price.*

The diminution in the area under corn was not met by

* The land of England and Wales in 1696 and 1874 was classified as follows:

	1696. Acres.	1874. Acres.
Under grain,	10,000,000	8,021,077
Pastures and meadows,	10,000,000	12,071,791
Flax, hemp, and madder,	1,000,000	
Green crops,		2,895,138
Bare fallow,		639,519
Clover,		2,983,733
Orchards,	1,000,000	148,526
Woods, coppices, etc.,	3,000,000	1,552,598
Forests, parks, and commons,	3,000,000	
Moors, mountains, and bare land,	10,000,000	9,006,839
Waste, water, and road,	1,000,000	
	39,000,000	37,319,221

The estimate of 1696 may be corrected by lessening the quantity of waste land, and thus bringing the total to correspond with the extent ascertained by actual survey, but it shows a decrease in the extent under grain of nearly two million acres, and an increase in the area applicable to cattle of nearly 8,000,000 acres; yet there is a decrease in the number of cattle, though an increase in sheep. The returns are as follows:

	1696.	1800.	1874.
Cattle,	4,500,000	2,852,428	4,305,440
Sheep,	11,000,000	26,148,000	19,859,758
Pigs,	2,000,000	(not given)	2,058,791

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a corresponding increase in live stock—in other words, the decrease of land under grain is not, *per se*, followed by an increase of meat. If the area under grain were increased, it would be preceded by an increase in the growth of turnips, and followed by a greater growth of clover; and these cattle-feeding products would materially add to the meat supply.

A most important change in the system of landholding was effected by the spread of RAILWAYS. It was brought about by the influence of the trading as opposed to the landlord class. In their inception they did not appear likely to effect any great alteration in the land laws. The shareholders had no compulsory power of purchase, hence enormous sums were paid for the land required; but as the system extended, Parliament asserted the ownership of the nation, over land in the possession of the individual. Acting on the idea that no man was more than a tenant, the State took the land from the occupier, as well as the tenant-in-fee, and gave it, not at their own price, but an assessed value, to the partners in a railway who traded for their mutual benefit, yet as they offered to convey travellers and goods at a quicker rate than on the ordinary roads, the State enabled them to acquire land by compulsion. A general Act, the Land Clauses Act, was passed in 1846, which gives privileges with regard to the acquisition of land to the promoters of such works as railways, docks, canals, etc. Numbers of Acts are passed every session which assert the right of the State over the land, and transfer it from one man, or set of men, to another. It seems to me that the principle is clear, and rests upon the assertion of the State's ownership of the land; but it has often struck me to ask, Why is this application of State rights limited to land required for these objects? why not apply to the land at each side of the railway, the principle which governs that under the railway itself? I consider *the production of food* the primary trust upon the land, that rapid transit over it is a secondary object; and as all experience shows that the division of land into small estates leads to a more perfect system of tillage, I think it would be

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of vast importance to the entire nation if all tenants who were, say, five years in possession were made "promoters" under the Land Clauses Act, and thus be enabled to purchase the fee of their holdings in the same manner as a body of railway proprietors. It would be most useful to the State to increase the number of tenants-in-fee—to re-create the ancient freemen, the *Liberi Homines*—and I think it can be done without requiring the aid either of a new principle or new machinery, by simply placing the farmer in possession on the same footing as the railway shareholder. I give at foot the draft of a bill I prepared in 1866 for this object.*

The 55th William I. secured to freemen the inheritance of their lands, and they were not able to sell them until the Act *Quia Emptores* of Edward I. was passed. The tendency of persons to spend the representative value of their lands and sell them, was checked by the Mosaic law, which did not allow any man to despoil his children of their inheritance. The possessor could only mortgage them until the year of

* A BILL TO ENCOURAGE THE OUTLAY OF MONEY UPON LAND FOR AGRICULTURAL PURPOSES.

Whereas it is expedient to encourage occupiers of land to expend money thereon, in building, drainage, and other similar improvements; and whereas the existing laws do not give the tenants or occupiers any sufficient security for such outlay: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by the authority of the same:

1. That all outlay upon land for the purpose of rendering it more productive and all outlay upon buildings for the accommodation of those engaged in tilling or working the same, or for domestic animals of any sort, be, and the same is hereby deemed to be, an outlay of a public nature.

2. That the clauses of "The Land Clauses Consolidation Act 1845," "with respect to the purchase of lands by agreement," and "with respect to the purchase and taking of lands otherwise than by agreement," and "with respect to the purchase money or compensation coming to parties having limited interests, or prevented from entering, or not making title," shall be, and they are hereby incorporated with this Act.

3. That every tenant or occupier who has for the past five years been in possession of any land, tenements, or hereditaments, shall be considered "a promoter of the undertaking within the meaning of the said recited Act, and shall be entitled to purchase the lands which he has so occupied, 'either by agreement' 'or otherwise than by agreement,' as provided in the said recited Act."

Then follow some details which it is unnecessary to recite here.

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jubilee—the fiftieth year. In Switzerland and Belgium, where the nobles did not entirely get rid of the freemen, the lands continued to be held in small estates. In Switzerland there are seventy-four proprietors for every hundred families, and in Belgium the average size of the estate is three and a half hectares—about eight acres. These small ownerships are not detrimental to the State. On the contrary, they tend to its security and wellbeing. I have treated on this subject in my work, "The Food Supplies of Western Europe." These small estates existed in England at the Norman Conquest, and their perpetual continuance was the object of the law of William I., to which I have referred. Their disappearance was due to the greed of the nobles during the reign of the Plantagenets, and they were not replaced by the Tudors, who neglected to restore the men-at-arms to the position they occupied under the laws of Edward the Confessor and William I.

The establishment of two estates in land; one the ownership, the other the use, may be traced to the payment of rent, to the Roman commonwealth, for the *ager publicus*. Under the feudal system the rent was of two classes—personal service or money; the latter was considered base tenure. The legislation of the Tudors abolished the payment of rent by personal service, and made all rent payable in money or in kind. The land had been burthened with the sole support of the army. It was then freed from this charge, and a tax was levied upon the community. Some writers have sought to define RENT as the difference between fertile lands and those that are so unproductive as barely to pay the cost of tillage. This far-fetched idea is contradicted by the circumstance that for centuries rent was paid by labour—the personal service of the vassal, and it is now part of the annual produce of the soil, inasmuch as land will be unproductive without seed and labour, or being pastured by tame animals, the representative of labour in taming and tending them. Rent is usually the labour or the fruits of the labour of the occupant. In some cases it is income derived from the labours of others. A broad distinction exists between the rent of land, which is a

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portion of the fruits or its equivalent in money, and that of improvements and houses, which is an exchange of the labour of the occupant given as payment for that employed in effecting improvements or erecting houses. The latter described as messuages were valued in 1794 at *six millions* per annum; in 1814 they were nearly *fifteen millions;* now they are valued at *eighty millions.** The increase represents a sum considerably more than double the national debt of Great Britain, and under the system of leases the improvements will pass from the industrial to the landlord class.

It seems to me to be a mistake in legislation to encourage a system by which these two funds merge into one, and that the income arising from the expenditure of the working classes is handed over without an equivalent to the tenants-in-fee. This proceeds from a straining of the maxim that "what is attached to the freehold belongs to the freehold," and was made law when both Houses of Parliament were essentially landlord. That maxim is only partially true: corn is as much attached to the freehold as a tree; yet one is cut without hindrance and the other is prevented. Potatoes, turnips, and such tubers, are only obtained by disturbing the freehold. This maxim was at one time so strained that it applied to fixtures, but recent legislation and modern discussions have limited the rights of the landlord class and been favourable to the occupier, and I look forward to such alterations in our laws as will secure to the man who expends his labour or earnings in improvements, an estate *in perpetuo* therein, as I think no length of usor of that which is a man's own—his labour or earnings—should hand over their representative improvements to any other person. I agree with those writers who maintain that it is prejudicial to the State that the rent fund should be

* A Parliamentary return gives the following information as to the value of lands and messuages in 1814 and 1874:

	1814-15.	1873-74.
Lands, ...	£34,330,463	£49,906,866
Messuages, ...	14,895,130	80,726,502

The increase in the value of land is hardly equal to the reduction in the value of gold, while the increase in messuages shows the enormous expenditure of labour.

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enjoyed by a comparatively small number of persons, and think it would be advantageous to distribute it, by increasing the number of tenants-in-fee. Natural laws forbid middlemen, who do nothing to make the land productive, and yet subsist upon the labour of the farmer, and receive as rent part of the produce of his toil. The land belongs to the State, and should only be subject to taxes, either by personal service such as serving in the militia or yeomanry, or by money payments to the State.

Land does not represent *capital*, but the improvements upon it do. A man does not purchase land. He buys the right of possession. In any transfer of land there is no locking up of capital, because one man receives exactly the amount the other expends. The individual may lock up his funds, but the nation does not. Capital is not money. I quote a definition from a previous work of mine, "The Case of Ireland," p. 176:

"Capital stock properly signifies the means of subsistence for man, and for the animals subservient to his use while engaged in the process of production. The jurisconsults of former times expressed the idea by the words *res fungibiles*, by which they meant consumable commodities, or those things which are consumed in their use, for the supply of man's animal wants, as contradistinguished from unconsumable commodities, which latter writers, by an extension of the term, in a figurative sense, have called *fixed* capital."

All the money in the Bank of England will not make a single four-pound loaf. Capital, as represented by consumable commodities, is the product of labour applied to land, or the natural fruits of the land itself. The land does not become either more or less productive by reason of the transfer from one person to another; it is the withdrawal of labour that affects its productiveness.

Wages are a portion of the value of the products of a joint combination of employer and employed. The former advances from time to time as wages to the latter, the estimated portion of the increase arising from their combined operations to which he may be entitled. This may be either in food or in money. The food of the world for one year is the yield at

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harvest; it is the *capital stock* upon which mankind exist while engaged in the operations for producing food, clothing, and other requisites for the use of mankind, until nature again replenishes this store. Money cannot produce food; it is useful in measuring the distribution of that which already exists.

The grants of the Crown were a fee or reward for service rendered; the donee became tenant-in-fee; being a reward, it was restricted to a man and his heirs-male or his heirs-general; in default of heirs-male or heirs-general, the land reverted to the Crown, which was the donor. A sale to third parties does not affect this phase of the question, inasmuch as it is a principle of British law that no man can convey to another a greater estate in land than that which he possesses himself; and if the seller only held the land as tenant-in-fee for *his own life* and that of *his* heirs, he could not give a purchaser that which belonged to the Crown, the *reversion* on default of heirs (see Statute *De Donis*, 13 Edward I., *ante*, p. 136). This right of the sovereign, or rather of the people, has not been asserted to the full extent. Many noble families have become extinct, yet the lands have not been claimed, as they should have been, for the nation.

I should not complete my review of the subject without referring to what are called the LAWS OF PRIMOGENITURE. I fail to discover any such law. On the contrary, I find that the descent of most of the land of England is under the law of contract by deed or bequest, and that it is only in case of intestacy that the courts intervene to give it to the next heir. This arises more from the construction the judges put upon the wishes of the deceased, than upon positive enactment. When a man who has the right of bequeathing his estate among his descendants, does not exercise that power, it is considered that he wishes the estate to go undivided to the next heir. In America the converse takes place, a man can leave all his land to one; and, if he fails to do so, it is divided. The laws relating to contracts or settlements, allow land to be settled by deed upon the children of a living person, but it is more frequently upon the grandchildren. They acquire

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the power of sale, which is by the contract denied to their parents. A man gives to his grandchild that which he denies to his son. This cumbrous process works disadvantageously, and it might very properly be altered by restricting the power of settlement or bequest to living persons, and not allowing it to extend to those who are unborn.

It is not a little curious to note how the ideas of mankind return to their original channels, after having been diverted for centuries. The system of landholding in the most ancient races was *communal.* That word, and its derivative, *communism*, has latterly had a bad odour. Yet all the most important public works are communal. All joint-stock companies, whether for banking, trading, or extensive works, are communes. They hold property in common, and merge individual in general rights. The possession of land by communes or companies is gradually extending, and it is by no means improbable that the ideas which governed very remote times may, like the communal joint-stock system, be applied more extensively to landholding.

It may not be unwise to review the grounds that we have been going over, and to glance at the salient points. The ABORIGINAL inhabitants of this island enjoyed the same rights as those in other countries, of possessing themselves of land unowned and unoccupied. The ROMANS conquered, and claimed all the rights the natives possessed, and levied a tribute for the use of the lands. Upon the retirement of the Romans, after an occupancy of about six hundred years, the lands reverted to the aborigines, but they, being unable to defend themselves, invited the SAXONS, the JUTES, and the ANGLES, who reduced them to serfdom, and seized upon the land which they considered belonged to the body of the conquerors, but was allotted to individuals by the *Folc-gemot* or assembly of the people, and a race of *Liberi Homines* or freemen arose, who paid no rent, but performed service to the State; during their sway of about six hundred years the institutions changed, and the monarch, as representing the people, claimed the right of granting the possession of land seized for treason by *boc* or charter. The NORMAN invasion found a

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large body of the Saxon landholders in armed opposition to William, and when they were defeated, he seized upon their land and gave it to his followers, and then arose the term *terra Regis*, "the land of the king," instead of the term *folc land*, "the land of the people;" but a large portion of the realm remained in the hands of the *Liberi Homines* or freemen. The Norman barons gave possession of part of their lands to their followers, hence arose the *vassals* who paid rent to their lord by personal service, while the *Freemen* held by service to the Crown. In the wars of the PLANTAGENETS the freemen seem to have disappeared, and vassalage was substituted, the principal vassals being freeholders. The descendants of the aborigines regained their freedom. The possession of land was only given for life, and it was preceded by homage to the Crown, fealty to the lord, investiture following the ceremony. The TUDOR sovereigns abolished livery and retainers, but did not secure the rights of the men-at-arms or replace them in their position of freemen. The chief lords converted the payment of rent by service into payment in money; this led to wholesale evictions, and necessitated the establishment of the poor laws. The STUARTS surrendered the remaining charges upon land; but on the death of one sovereign, and the expulsion of another, the validity of patents from the Crown became doubtful. The PRESENT system of landholding is the outcome of the Tudor ideas. But the Crown has never abandoned the claim asserted in the statute of Edward I., that all land belongs to the sovereign as representing the people, and that individuals *hold* but do not *own* it; and upon this sound and legal principle the State takes land from one and gives it to another, compensating for the loss arising from being dispossessed.

I have now concluded my brief sketch of the facts which seemed to me most important in tracing the history of LANDHOLDING IN ENGLAND, and laid before you not only the most vital changes, but also the principles which underlay them; and I shall have failed in conveying the ideas of my own mind if I have not shown you that at least from the Scandinavian or

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Anglo-Saxon invasion, the ownership of land rested either in the people, or the Crown as representing the people, that individual proprietorship of land is not only unknown, but repugnant, to the principles of the British Constitution, that the largest estate a subject can have is tenancy-in-fee, and that it is a holding and not an owning of the soil; and I cannot conceal from you, the conviction which has impressed my mind, after much study and some personal examination of the state of proprietary occupants on the Continent, that the best interests of the nation, both socially, morally, and materially, will be promoted by a very large increase in the number of tenants-in-fee; which can be attained by the extension of principles of legislation now in active operation. All that is necessary is, to extend the provisions of the Land Clauses Act, which apply to railways and such objects, to tenants in possession; to make them "promoters" under that Act; to treat their outlay for the improvement of the soil and the greater *production of food* as a public outlay; and thus to restore to England a class which corresponds with the Peasant Proprietors of the Continent—the Freemen or *Liberi Homines* of Anglo-Saxon times, whose rights were solemnly guaranteed by the 55th William I., and whose existence would be the glory of the country and the safeguard of its institutions.

P.S.—Since this paper was read, the Land Act of 1875 has passed. It recognises the difference between *land* granted by the State, and improvements which represent *labour;* it asserts the separate estate of each, and abrogates the erroneous maxim, that "what is attached to the freehold belongs to the freehold." Under the old law, it was assumed that all improvements, whether of a permanent or temporary character, belonged to the landlord, but the Act entirely reversed the presumption, thus setting aside one of the prerogatives claimed by the tenant-in-fee, and giving the possessor an estate in the improvements he effected, and restricting the landlord's estate to the lands and the improvements thereon, when the tenancy commenced.

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ORIENTATION OF ANCIENT TEMPLES AND PLACES OF WORSHIP.

By Captain CHARLES WARREN, R.E.,
Fellow of the Royal Historical Society.

On some ancient fragments are represented two or more historical sequences, forming together one picture, such as the scene of the temptation of Eve in conjunction with the expulsion from Paradise; and from these we may obtain an idea as to the tendency and power of the untutored mind to take an instantaneous many-sided view of the subject it contemplates, and it may assist us in realising that though our mental view is more extended and clearer than that of early races, yet it may also be much more limited in lateral range. That the educated mind does not assume power over the exercise of certain faculties, there can be no doubt; for this we have only to look into matters of everyday life: to see the unlettered mechanic *guess*, or, rather, instinctively calculate, the weight of materials; to hear the shopwoman, innocent of figures, total up her gains and losses, or enumerate her stock-in-trade with a rapidity and with a precision which could not be exceeded if all the appliances of science had been employed. And we again see it in the power which the Indian savage or European trapper possesses in tracking his way through the forest by signs and method of reasoning hardly intelligible to those whose minds are more cultivated.

It would help us much in "the proper study of mankind" if we could accord to the ancient mind credit for possessing certain faculties, matured, which in our own mind have been pressed down and dwarfed by the cultivation of others; if we

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could perceive "how apt we all are to look at the manners of ancient times through the false medium of our everyday associations; how difficult we find it to strip our thoughts of their modern garb and to escape from the thick atmosphere of prejudice in which custom and habit have enveloped us; and yet, unless we take a comprehensive, an extended view of the objects of archæological speculation—unless we can look upon ancient customs with the eyes of the ancients, unless we can transport ourselves in the spirit to other lands and other times, and sun ourselves in the clear light of bygone days, all our conception of what was done by the men who have long ceased to be must be dim, uncertain, and unsatisfactory, and all our reproductions as soulless and uninstructive as the scattered fragments of a broken statue" (Niebuhr).

May we not, with this thought in view, allow that there was something more in the old heathen religions than the bare worship of sticks and stones, and while fully believing that the different races became most depraved in their religious ceremonies until

"Egypt chose an onion for a god,"

and without condoning their offences, may we not recognise throughout their degradation a double view of the Supreme Deity, a reverence towards Him as one God and a worship of Him as many, even as it is related of the Hebrews at one time,

"They feared the Lord and served their own gods."

Indeed, if we may not do this, and are to judge the heathen by their language alone, we shall ourselves be liable to the same harsh treatment in after-ages, for do not we, with the utmost sincerity, make use of such terms as Light of Light, Sun of Righteousness:

"Hail, holy Light, offspring of Heaven first-born,
Or of the Eternal co-eternal beam;"

and again our abhorrence of the powers of darkness: all which might be brought against us as evidence of sun-

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worship: nay it is even recorded that the early Christians actually were accused of worshipping the solar disc on account of such customs.

There is evidence showing that the Hebrews did not exclusively possess God's name; with them the whole people possessed that grand knowledge, with the heathen the men of God were isolated and few, but religious life was not quite extinct; the great Shekinah shone in the tabernacle of the Hebrews, but there were also faint lights glimmering among the heathen around, reflections of, or emanations from it.

Without this belief, our examination into the subject of orientation of temples comes to nought; we might simply record:

> "So once of yore, each reasonable frog
> Swore faith and fealty to his sovereign 'log.'"

Happily for us it is otherwise. The examination into heathen religions brings to light so many traces of Divine origin in numberless instances as to assist the student in more fully comprehending and believing the Mosaic records, and suggests a common origin.

As far as we are concerned personally, we owe the heathen a debt of gratitude; for while on the one side we have to thank the Hebrews for bringing down to us a religion pure and undefiled, we have on the other to be grateful to the heathen for having, incidentally to their rites, so fully developed the arts and sciences, and handed over to us poetry, sculpture, painting, architecture, music, dancing, the drama, astronomy, and whatever else is beautiful or useful in everyday life.

> "And Satan, bowing low,
> As to superior spirits is wont in heaven."

In our social intercourse we are accustomed to turn our faces towards those to whom we address ourselves, and even in our religious ceremonies we do in many places of worship retain the ancient custom of facing in a particular direction during portions of the service; and notwithstanding that we know that God is as much in one place as in another—omni-

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present—yet all Christians are enjoined to address Him as in heaven.

In the East, at the present day, a kibleh is a needful accessory to the prayer; and a Mohammedan, for example, could not with equanimity repeat it did he not know the direction of the Kaaba towards which he should face.

It is therefore no matter of surprise to find that in early times also this custom generally prevailed; in days when visible manifestations of the Deity were apparent, and when particular places were considered to be the gates of heaven. The expression, "Turn unto the Lord thy God," is itself indicative of this practice, and we may without doubt assume the general use of a kibleh, and proceed to the question as to its nature and position as regards the earth's surface. In this examination we shall ascertain that in early days it was the eastern portion of the heavens that God was supposed more particularly to honour with His presence, and from whence He sent His glory upon earth.

References to this both from the Old and New Testaments may here be given:

"And, behold, the glory of the God of Israel came from the way of the east." Again:

"For as the lightning cometh out of the east and shineth even unto the west, so shall also the coming of the Son of Man be."

It may be objected that although we can at all times during the day and night throughout the year point out the north and south, yet that the terms east and west cannot be applied to the heavens, because at each hour of the day and on each day of the year, the east will be represented to us on earth by a different portion of the starry firmament; but we must recollect that both in the Pentateuch and in the heathen writings the conception of the universe was very different to what it is at present, for with the ancients the earth was the centre of the round world, the heavens forming the solid and upper crust, the sun, moon, and stars being entirely subsidiary and accessories to the flat fixed earth.

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It is obvious, therefore, viewing the subject through the medium of the ancient cosmogony, that the east was a fixed and finite portion of the solid heavens, where the sun appeared at early dawn only to tarry for a while, and that thus the east could be regarded by the ancients as the peculiar abode of God's glory, as a permanently fixed portion of the round world, and not necessarily with any reference to the circumstance that it was here the sun first rose.

Dr Mosheim says: "Before the coming of Christ, all the eastern nations performed divine worship with their faces turned to that part of the heavens where the sun displays his rising beams. This custom was founded upon a general opinion that God, whose essence they looked upon to be light, and whom they considered to be circumscribed within certain limits, dwelt in that part of the firmament from whence He sends forth the sun."

Spencer likewise, after stating the ancient custom, says: "Were it left to the judgment of men to decide which way God should be worshipped, the east would certainly have the preference."

These opinions are certainly borne out by all the early heathen who treat on the subject, some of whose writings will subsequently be referred to. The earliest records among the Greek writers are, however, comparatively modern when we search the history of mankind; and in the absence of the rich literature of Egypt and Assyria, now lost to us, we fall back upon their scarcely less valuable libraries in stone and bricks, their tablets and monuments, and finally upon the Hebrew records. The Indian Veda is also not without its claim to be placed among the ancients' records.

There are not wanting those who would fain dismiss the subject, with the opinion that the sunrise first originated the eastern attitude, and others, failing the sun, would suppose it to have originated in the direction of the Garden of Eden, from whence our first parents were driven. I apprehend, however, that though the east as a kibleh may have to do with the dawn of day and the position of Eden, yet it also means

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much more than this. More wondrous occurrences are alluded to in holy writ than the dawn of day, or even than the position of the Garden of Eden. It is recorded that God's voice walked with Adam, appeared to Abraham and the patriarchs; that the elements were controlled by Him. Is it possible, then, for us to suppose that with this belief the leaders of the people should have systematically ignored the Creator and bowed themselves to His works! That some of them did so, we know well, and that they were prone to do so, we also know; but it is impossible to think that the rules which forbade them to worship false gods should have been founded on that self-same worship. On the contrary, it is evident that those who walked with God should have wished to turn in prayer to that spot whence He would most likely be made manifest.

In brief, the key to the subject is not difficult to grasp and use, for it appears to lie in the comprehension of the method adopted in the manifestation of that Shekinah of which we read not only in Hebrew records, but of the appearance and working of which there are reflections also in the heathen writings.

The key in our possession, we shall be able faintly to point out how in early days the Shekinah in the east was the general kibleh; how, when the sun became a symbolical emblem, the Shekinah came down and dwelt among the Hebrews, and remained still their kibleh, until finally it fled by way of the east.

In doing this, I would allude to many affinities between the heathen and Hebrew forms of worship, and how the former appear to have been derived from the latter.

Looking back to the earliest record we possess, we find our first parents, Adam and Eve, located in a garden eastward, in a district or country called Eden, the precise position of which has not yet been ascertained, although various hypotheses on the subject have been advanced.

We shall probably not be far wrong in considering Eden to have been that large tract of country lying between the plains of Assyria and the river Indus, subsequently occupied by the Medes and Arians, and in the present day by the Persians,

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Afghans, etc., between Turkey and Hindostan. The Garden of Eden would thus have been located in the Hindoo Koosh; or in Cashmere, at the present time one of the most fruitful districts of the world.

Milton tells us—

> "Eden stretched her line
> From Auran eastward to the royal towers
> Of great Seleucia, built by Grecian kings;"

thus circumscribing the district and placing the garden in Assyria.

After the fall, our first parents appear to have been driven out by the eastern side of the Garden, yet still to have remained in the district called Eden in the presence of the Lord, for we find Cain shortly after driven out to the east of Eden to the land of Nod, which some identify as Hindostan and others as China.

We have few indications of the form of worship in these primitive times; probably it consisted chiefly in calling on God's name alone, but yet we can observe indications of the germs which, under the fostering care of God, ripened into the religion we now possess, and which, when left alone, increased as a fungus into all misshapen forms of idolatry more or less (in human eyes) iniquitous, according to the nature of the people and the climate of the country inhabited.

Of the first sacrifices we hear: "Abel, he also brought of the firstlings of his flock, and of the fat thereof. And the Lord had respect unto Abel, and to his offering." A dim memory of this is to be found in after-days in the Theogony of Hesiod, one of the earliest Greek records, where we are told how the gods and men contended at Mecone, in which contest the artful Prometheus persuaded cloud-compelling Jove to take the white fat as an offering in preference to the flesh, and Jove in revenge introduced to mankind deceitful woman, with her box full of domestic troubles and woes to henceforth render the life of mortal man most wretched.

No mention is there of the erection of an altar to the Lord until after the deluge, when "Noah builded an altar unto the

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Lord, . . . and offered burnt-offerings on the altar. And the Lord smelled a sweet savour." This allusion to smelling a sweet savour is a constant form of expression in the Hebrew writings, although it was well known that the offering of the sacrifice was the acceptable gift to the Lord. The heathen, on the other hand, have completely materialised the term, by supposing that it was the odour from the burnt-sacrifices ascending to the heavens and tickling the nostrils of the gods, which was so pleasing to them.

The position of the mountain on which the ark rested is hardly a matter for present discussion, and I will content myself with saying that it would appear to be eastward of Babylon, and not to the north as suggested by Josephus.

In our next view of worship, we are brought in contact with that great man among the ancients, El Khalil, the friend of God, whose name and doings have come down to us through so many channels besides the records of his own race; and who is supposed by Josephus to have invented the monotheistic religion, and to have attempted to introduce it among his Chaldean brethren.

There is evidence, however, that Abraham, in whose

"Seed
All nations shall be blessed,"

had only carried on the simple religion of his forefathers, from which his people appear to have receded. By reason of his grand character he was fitted to be trusted by the Lord with the scheme for the ultimate emancipation of the human race. He not only saw visions and dreamed dreams, but he is described as walking with God; and his petition to God concerning the saving of the cities of the plain is the first supplication of man toward God, recorded. In this instance we find mankind advanced another step towards a form of worship. Abraham appears as a suppliant before the Lord, and his sacrifices are consumed by fire from heaven: for having laid the pieces of heifer and goat upon the altar, "it came to pass, that, when the sun went down, and it was dark,

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behold a smoking furnace, and a burning lamp that passed between those pieces." This sign of Divine acceptance of sacrifice was one of the special means by which the true God distinguished His worship from that of the false gods; yet even in this there are not wanting indications of similar manifestations among the heathen, which, however, possibly were only handed across from Hebrew records.

The memory of Abraham is still so green among many eastern nations, that legends concerning him are numerous. The Arabs have one representing him in a doubtful frame of mind, selecting as his Lord one by one from among the host of heaven, and rejecting each as he finds its power finite, until, ultimately, he turns to Him who created all. Evidence of this same frame of thought among the Peruvians is given by Garcilaso, by whom the following words (translated from the Spanish) are put in the mouth of Huyana Cupac, Child of the Sun:

"Many maintain that the sun lives, and is the maker of all things: but whosoever desired to do a thing completely must continue at his task without intermission. Now, many things are done when the sun is absent, therefore he cannot be the creator of all. It may also be doubted whether the sun be really living, for though always moving round in a circle, he is never weary. If the sun were a living thing like ourselves he would become weary; and if he were free he would doubtless continue moving into parts of heaven in which we never see him. The sun is like an ox bound by a rope, being always obliged to move in the same circle, or like an arrow, which can only go where it is sent, and not where it may itself wish to go" (Humboldt).

The Arabs also consider Abraham to be the founder of the Kaaba at Mecca; whatever its origin, it doubtless dates from remote antiquity, and there will be occasion to allude to it when speaking of the Jewish tabernacle.

As we pass on towards the latter end of Abraham's life, we find him planting groves and calling on the name of the Lord therein, and it is remarkable that this practice of using groves as places of worship—innocent in itself—became, after the

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time of Abraham, so rapidly degraded in the depraved services of idolatry, not only among the Canaanites, but also among the nations of the world at large, that when the Hebrews returned to the Promised Land, after their sojourn in Egypt, one of the most peremptory injunctions they received was to cut down these groves of the heathen; and they themselves were interdicted that form of worship (the use of groves) which with their forefather Abraham was not only harmless but right. The practice of worshipping on high places also obtained from the earliest times—Abraham and his descendants built altars on high places with approval of the Lord. Among the heathen this custom got mixed up with the most revolting rites and ceremonies; yet we only find the worship on high places forbidden to the Hebrews in a qualified degree, with an implied permission of it so long as the site for the position of the tabernacle was not settled. The Hebrews were told to root out high places of the heathen, and the inference I draw is, that a certain amount of sanctity was possessed by these high places, on account of their being the scenes of early worship of the true God, which sanctity the heathen had profaned. Indeed, from the giving of the Law on Mount Sinai by Moses, until his reappearance on the Mount of Transfiguration, there is a continuous series of remarkable events occurring on high lands and mountain tops.

The first glimpse of that abominable system of the Canaanites, the offering up of their children to their gods, is given us in the temptation of Abraham; if it be not itself the incident which led the perverted heathen to that practice. The event is supposed by some to have taken place on Mount Moriah, the site of the future abode of God's name. Josephus gives this as the site, and also states that the city of the Jebusites was the Salem of Melchisedek; but an attempt to locate both these sites at Jerusalem leads to the following dilemma: Moriah is just outside the stronghold of the Jebusites, and it can hardly be surmised that Abraham took his son up to sacrifice him on a prominent position just outside the gates of the royal city of Melchisedek, unless, indeed, we are to

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suppose that Moriah was the usual place for offering children to Moloch. The suggestion that the threshing-floor of Araunah, the site of the temple, could have been the scene of the immolation of human victims to false gods is, however, quite repugnant to the sense of readers of history, and therefore we are fain to conclude that both those events could not have taken place at Jerusalem; either that Moriah is not the scene of Abraham's sacrifice, or that Jerusalem is not the Salem of Melchisedek.

Passing on to the life of Jacob, we have again before us acts, the commemoration of which in after-years appear to have given rise to various forms of idolatrous worship. Jacob, on passing through Luz, on the highland of the Holy Land, sleeps with a stone for his pillow, and seeing in a vision a ladder set up on earth reaching to heaven, he anoints this stone and names it the house of God, the Gate of Heaven. There is a Jewish tradition that this stone was in after-years brought to Jerusalem and served as a base for the ark, and that this was the "pierced stone" which the Jews were in the habit of anointing and lamenting over after the destruction of the temple by Titus. It is possible also that this may be the stone spoken of as being found in the sanctum of the second temple.

This fits in exactly with the present Moslem tradition, in which the scene of Jacob's dream is transferred to the Sakhrah of the noble sanctuary, thus giving a good reason for Mahomet having chosen this site for his ascent to heaven in his parallel dream to that of Jacob. There is now at Jerusalem a stone called the "little Sakhrah," in the northern part of the Noble Sanctuary, which may possibly be the identical stone which Jacob set up at Bethel. We have other accounts of stones having been anointed in like manner; and among the heathen the practice also came into vogue. It is not difficult to perceive how quickly the adoration of God at the stone may have become the worship of the stone itself, and it is certain that the worship of stones—Bœtylia—became a practice among the Chaldeans, Arabians, and especially the Syrophœnicians.

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The very name has a close resemblance to Bethel (though there are some who demur at this), and it is at least remarkable that, around the spot where Jacob anointed this one, so many other sacred stones should be found in after-years among the heathen; one of the most singular of which was the luminous green stone of Tyre, a city which became great after the return of the Hebrews to the Promised Land. The black stone, or meteorolite, so sacred to the worshippers of all ages, in the Kaaba at Mecca is not the least renowned of such.

We now approach that period when the promise of God to Abraham began to be fulfilled, when the Hebrews, having increased as the sands of the sea, are to be conducted into the Promised Land to overthrow and uproot that most detestable of false worships in which the Canaanites, among all the descendants of Ham, appear to have been pre-eminent. For this purpose the people must be educated to a higher form of religion than they then possessed, it being not enough that their leaders only should possess the religion, as among the heathen, it was necessary that all should possess the knowledge of God. In this we have the first appearance of the introduction of religion generally among the masses of the people, which has gradually done so much to ameliorate the condition of mankind. In order that this education should be thorough, they were kept as bondsmen in Egypt, and apart by themselves for forty years in the wilderness; and though they are represented to us throughout as a stubborn, wayward people, we cannot but suppose that the timid rabble who fled from Egypt were disciplined very considerably before they were able to menace the warlike inhabitants of Canaan. The Shekinah, which appeared to Moses in the burning bush, became as a cloud by day and pillar by night during their wanderings, and eventually, on the erection of the tabernacle, overshadowed it and dwelt among them, and from henceforth they became a people specially under God's protection, and were kept in check by most stringent rules.

Let us pause awhile to consider the shape and construction

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of that remarkable kibleh or place of worship which in process of time influenced the form of the temple of Solomon, and through it the later heathen temples and Christian churches. For what was Solomon's temple but the tabernacle in stone, and what form had all the later Mediterranean and Assyrian temples but that of the temple of Solomon.

It has been assumed by some that the Hebrews derived the shape of the tabernacle from Egyptian models; but, though there can be little doubt that ancient nation (Egypt) in early times had temples of very simple construction, and without images, yet there is evidence that the shepherd kings (previous to the advent of Joseph in Egypt) had ruthlessly destroyed the temples then existing to such an extent that with one single exception they have all disappeared.

During the times of the shepherd kings and the eighteenth and nineteenth dynasties, when the civilisation of Egypt had reached its highest pitch and arts had fully developed, the edifices constructed partook as much of the nature of palaces as of temples, and faced in all directions, in striking contrast with the pyramids of the early dynasties, which are built with the most careful precision, in such a manner that their sides face the cardinal points of the compass, entrance being to north.

The Hebrews would therefore have no knowledge of temple construction, as we understand the term, derived from the Egyptians at the time of their leaving that people. The writer of the article "Temple," Smith's "Biblical Dictionary," fully recognises this, and suggests that the style was obtained from the people of Assyria, who were of kindred language and race to the Hebrews. As unfortunately no ancient Assyrian temples have yet been uncovered, he is, in this line of argument, obliged to accept the later buildings of Persepolis and Nineveh as illustrations of what the ancient temples of Assyria *might* have been, and to suppose that the Hebrews followed a style the existence of which *previous* to the erection of the tabernacle there is no evidence.

If there is any reason for conjecturing an affinity between

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the Hebrew temple and the Assyrian buildings, surely we should not be wrong in conjecturing that the former may have in some measure influenced the style of the latter, which were built so many years after Solomon had reigned supreme.

One temple, however, may have existed in Syria at the time of the exodus, namely, that dedicated to Melkarth, where the sacred luminous stone was enshrined; there is not, however, any direct evidence as to whether this temple was in any way similar to those built in after-years. Herodotus, when he visited it, certainly found a temple there, and was told that it had been built when the city was founded, 2300 years previous to his visit. This statement, however, appears to be somewhat in error, for although we know that Tyre existed at the time of the exodus, yet it did not become a great city and rule the sea until the fall of Sidon, in the thirteenth century B.C. Josephus, who writes at some length on the subject, states that Tyre was built 352 years after the exodus, and 240 years before the building of the temple of Solomon. He evidently in this passage refers to the time when the Sidonians gathered at Tyre, enlarged the city, and probably built the temple whose stone became the kibleh of the Phœnician nation. It is probable that at the time of the exodus the sacred stone at Tyre was worshipped in an open temenos.

Thus, at a time when the old Egyptian temples had disappeared, and when those of the Mediterranean, including Italy, Greece, Asia Minor, etc., whose ruins are now visible on the earth, had not begun their existence, we find the Hebrew people massed together below cloud-compelling, loud-thundering Sinai, anxiously awaiting the result of their lawgiver's visit to the sacred mount.

What necessity is there for assuming that the tabernacle must be after the mode of some Assyrian or Egyptian building? Can we not frankly accept the plan and details as those of an original building conceived by Moses under Divine inspiration, in order to supply not only the wants of this wandering race of Hebrews, but of the whole world, although of this latter application he may have been profoundly ignorant?

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There was, probably, one very disturbing influence on the Hebrew mind at this time; this people had been living among a nation whose apparent basis of religion was the worship of the sun, and who had recently been engaged in a religious revolt in favour of the worship of the "glory of the solar disc," a record of which is still existing on the bas-reliefs of Tell Amarna.

The Hebrews would thus, by their sojourn among the Egyptians, have been actuated by a double sentiment with regard to the east, viz., an inclination towards it as the point from whence God's glory should come, and a repulsion from it as the kibleh to which the sun-worshippers turned.

On the arrival of the wanderers under Mount Sinai, the plan of the temple and its furniture all passed before the eyes of Moses divinely inspired, not only its proportions, but also its position. It was to lie east and west, the entrance towards the east.

The reason for this orientation is not given, neither is any reason given for the particular rites and ceremonies to be performed, but as this new revelation was given for the purpose of supplying a craving and keeping the Hebrews apart from the heathen, reason there must have been for each minute detail.

Josephus tells us: "As to the tabernacle . . . with its front to the east, that when the sun arose, it might send its first rays upon it." This he qualifies by saying, "The sky was clear, but there was a mist over the tabernacle only, encompassing it, but not with such a very deep and thick cloud as is seen in the winter season, nor yet in so thin a one as men might be able to discern anything through it."

In the sacred narrative we read, "Then a cloud covered the tent of the congregation, and the glory of the Lord filled the tabernacle. . . . For the cloud of the Lord was upon the tabernacle by day, and fire was on it by night." This would appear sufficient to prove that the tabernacle had its entrance to the east, with no reference to the rising sun, for it seems probable that the sun's rays would only have played upon the

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exterior of the cloud, and never have shone on the tabernacle itself. Nor, when we consider the matter, does it seem reasonable to suppose that the suggestion of Josephus could have been thought of among the Hebrews at the time of the first erection of the tabernacle; for the sun would have been of quite secondary consideration, even to sun-worshippers, when such extraordinary manifestations were proceeding on Sinai—the mountains melted like wax at the presence of the Lord—when they saw that the face of Moses shone with the reflection of the "glory of the Lord," that a miraculous cloud descended on the tent, and that "fire came out from before the Lord and consumed upon the altar the burnt-offerings."

Far more reasonable is the idea of some of the Jews of the present day, who say that the entrance was towards the east, in order that the priest might watch for the first dawn of day in offering up the morning sacrifice. This, however, is not a sufficient reason, and would not have held good if the tabernacle had been placed on the west side of Mount Sinai, as then the first dawn would not have been visible from the tabernacle on account of the mountain being in the way.

On the whole, it appears that the sun could not have had anything to do with the position of the tabernacle, so far as its rays are concerned, though, being a prime object of idolatry among surrounding nations, no doubt it was so arranged that the Jewish worship could in no wise degenerate into sun worship.

Mention has previously been made of the passages: "And, behold, the glory of the God of Israel came from the way of the east;" and, again, "For, as the lightning cometh out of the east, and shineth even to the west, so shall also the coming of the Son of Man be."

Here we have the key to the whole subject of orientation. The ancients turned towards the east to worship the "glory of the Lord," and gradually learned to look upon the sun as a symbol of that glory. On the erection of the tabernacle the pure worship of God was restored to the general community; but as the old kibleh, the east, had become mixed up with the

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worship of idolaters, the rising sun, it could not be used as heretofore. So the tabernacle was built to contain the Shekinah, its entrance facing towards the east, from whence the glory had come, the worshippers having their backs towards the east. Thus the Hebrews were brought to face in a contrary direction to the sun-worshippers, while, at the same time, they continued to face towards that same glory now in the tabernacle, to which they had previously turned previous to the setting up of the tabernacle. It must not, however, be supposed that facing west became the custom among the Hebrews. It will be shown that this took place only within the sacred enclosure, elsewhere the people faced north, south, east, or west, according to the direction of the tabernacle, containing the Shekinah, their kibleh.

Now, although the glory of the Lord, the Shekinah, filled the tabernacle, and after it the house of the Lord (in the first temple); and, though the Lord dwelt there, yet it does not appear that the Hebrews prayed to the Lord in the house, but rather they turned towards the house and prayed to Him in heaven. We see this in the exhortation of Moses to the people to pray to Him, "Look down from Thy holy habitation, from heaven, and bless Thy people, Israel."

Again, the prayer of Solomon at the dedication of the temple, immediately after the Shekinah had filled the house:

"Then spake Solomon, The Lord said that He would dwell in the thick darkness. I have surely built Thee an house to dwell in, a settled place for Thee to abide in for ever. . . . And Solomon stood before the altar of the Lord in the presence of all the congregation of Israel, and spread forth his hands toward heaven: and he said, . . . But will God indeed dwell on the earth? Behold, the heaven, and heaven of heavens, cannot contain Thee; how much less this house that I have builded? . . . And hearken Thou to the supplication of Thy servant, and of Thy people Israel, when they shall pray toward this place: and hear Thou in heaven Thy dwelling-place; and when Thou hearest, forgive."

Here we have direct proof that the Hebrews at this remote

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period had knowledge of the omnipresence of God: that while, to gratify their natural cravings, and to keep them in check during their life among the heathen, He dwelt among them, yet they still, while turning towards His visible manifestations on earth, worshipped Him in heaven.

The echo of this sentiment, attenuated and feeble, is to be found among the heathen. The author of the Homeric Iliad, in particular, appears now and then to catch a glimpse of this omnipresence, although his words would sometimes belie him.

Dr Potter, in his "Greek Antiquities," shows us that a precisely similar method of praying obtained among the heathen long after the statues of the gods had ceased to be regarded as mere symbols of the deities above and below. "We do lift up our hands to heaven when we pray," saith Aristotle, and again, in Horace:

"Cœlo supinas si tuleris manus."

Pliny tells us that, "In worshipping . . . we turn about the whole body;" and that in Gaul it was proper to turn to the left about. Plautus, on the other hand, states that the Romans turned round by the right.

In earlier days, Pindar mentions, "And forthwith he bade golden-tired Lachesis uprear her hands to heaven, and not to utter insincerely the mighty oaths of the gods;" and, in the Iliad, we find Chryses uplifting his hands, and praying to Phœbus Apollo, like, as we read, that when Solomon had made an end of praying all his prayers and supplications unto the Lord, he arose from before the altar of the Lord, from kneeling on his knees with his hands spread up to heaven. And Æneas tells Pandarus, on the battle-field, to raise his hands to Jove, just as in earlier times Solomon prays, "If Thy people go out to battle against their enemy, whithersoever Thou shalt send them, and shall pray unto the Lord toward the city which Thou hast chosen, and toward the house that I have built for Thy name: then hear Thou in heaven their prayer and their supplication, and maintain their cause."

Again we find the mother of Hector asking him if he in-

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tends to lift his hands to Jove in the lofty citadel, and again the people praying to Jove, and looking toward the wide heaven, or to Ida: for they frequently address the Olympian Jove as ruling from Ida. These also accord with the Hebrew passages: "The Lord is in His holy temple; the Lord's seat is in heaven." "Unto Thee will I lift up mine eyes, for Thou dwellest in the heavens." "For I lift up my hand to heaven, and say, I live for ever."

We have thus apparently a similar custom among the Greeks to that of the Hebrews, of looking up to and worshipping Jove in the heavens, while addressing him as ruling from Olympus or Ida, his dwelling-place; and there is considerable indication of a feeling as to his *partial* omnipresence, although there are also instances of his sleeping and being on a journey.

In these passages, and throughout the works of the early writers, when not grossly perverted or degraded, we obtain glimpses of the views which obtained, and often of the events which took place, ages before in Palestine; even down to that time when heroes were given the positions of gods, and true religion was almost lost, we have yet constantly the indication of a purer sentiment, as when we find the statues (representing the gods) still addressed as residing above or below.

Many of the customs attendant on these rites have still survived their origin; as, for example, in the ceremony which takes place at the hill Szafa, when the pilgrim with his face turned towards the north (the direction of the Kaaba), which is hidden from his view by intervening houses, raises his hands toward heaven, addressing a short prayer to the Deity. The hill Szafa is said, prior to the Mohammedan period, to have been esteemed by the old Arabians as a holy place, containing the god Motam (Buckhardt).

Such were some of the customs of the ancients during their prayers, presenting a strange similarity to the earlier worship of the Hebrews in temple and tabernacle; nor was it only in these matters that the likeness existed: the whole attitude of the early Greeks towards their gods reminds us most strongly of a religion perverted from that of the Hebrews.

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The perception of the attributes of the Deity among the Greeks, as compared with that of the Hebrews, was dim and indistinct, but, though of a much grosser nature, it is yet to be found.

The God of the Hebrews did not sleep. "Behold, He that keepeth Israel shall neither slumber nor sleep." Yet even the psalmist, in his emotion, is betrayed into exclaiming, "Awake, Lord, why sleepest Thou?" as though in poesy urging Him to show His superiority to Baal, who was evidently supposed to indulge in sleep, as we learn from the mocking of the prophet Elijah: "Cry aloud; for he is a god: either he is talking, or he is pursuing, or he is in a journey, or peradventure he sleepeth, and must be awaked."

So also we learn that the Olympian Jove was subject to somniferous influences, especially at night, although, like mortals, he could lie awake and revolve schemes in his mind, or even, I presume, exercise himself actively during the night, as did Minerva in helping Diomede against the Trojans. The subjugation of the immortal gods to the dominion of Sleep appears to be similar to the twilight or death of the northern gods; and at first sight it would almost appear as though the all-powerful Jove were, in this instance, but a servant of another. We shall see, however, that it is otherwise.

We find Juno addressing Sleep as "king of all gods and all men." This shows how much power he was supposed to possess, although, no doubt, Juno rather exaggerated his power in order to please him, and put him in a good humour. Sleep, however, knows better his limits of power; and in his reply he gives us a clearer insight into the subject; for he says, "I could not approach Saturnian Jove, nor lull him to sleep, unless, at least, he commanded me;" and proceeds to show that though he might once lull him, yet it would be only a temporary measure, the effect of which would quickly work off, and that then he would be liable to be hurled for ever out of heaven by Jove. Thus it is apparent that the Greeks supposed that Jove had power even over sleep.

They also looked upon Jove as king of kings and lord of

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lords; for, although we find Neptune stating, on his own behalf, that the world was divided among the three sons of Cronos, and that Jove had only his third share—the heavens, the earth, and Olympus, being common to all—we must only take this as Neptune's own selfish view of the matter, not borne out by other circumstances. This is evident when he orders Neptune from the battle-field before Troy to retire to the sea or Olympus. The earth-shaker, though expostulating somewhat freely, quickly obeys the order.

He is also styled as commanding Pluto's division:

> "Jove subterranean, and of high renown
> Proserpine."

Again, Jupiter Larissæus is shown with three eyes, and Æschylus, the son of Euphorion, calls Jupiter the ruler of the sea.

The omniscience of Jove is less apparent; for, though so keen sighted that he could observe from Olympus to Ida and to Troy, as could also the other gods, yet he appears less quick at hearing.

There are, however, indications of his being able at times to divine what has occurred without having either heard or seen the act; and in spite of his many imperfections, there is a ring of the true knowledge of God in the account of Jove's appearance on Ida, watching over Troy, controlling and putting in action the elements. Indeed, there is almost in the history a resemblance to the manifestation which took place on Mount Sinai.

The dwelling of the gods at Olympus, and the possession by one or other of them of the many mountains of Olympus, Ida, and other high places, strikingly bring to our mind the possession of Sinai by the glory of God, and the circumstances which took place there.

It is most unfortunate for our present knowledge that Pausanias, who wrote so fully and carefully about ancient temples, should have avoided all mention of anything relating to the mysteries concerning them. The reason he gives is as

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follows: "It was my intention, indeed, to have related every particular about the temple at Athens, which is called Eleusinian, but I was restrained from the execution of this design by a vision in a dream." This ill-fated dream he bears in mind throughout his descriptions, and often draws up suddenly, and is silent just when he is about to treat upon these subjects.

Notwithstanding, however, the reticence of so many of the ancient writers, we are yet able to gather moderately correct impressions as to the views entertained as well by the heathen as by the Hebrews as to the world in general, and of the Deity who governed it. All alike appear to have had the same notion as to the hollow round world, with its flat disc the earth fixed in the centre; and the poets, generally, made use of the term brazen, or iron, as applied to the firmament or heaven. The earth was the grand centre of the universe, the sun, moon, and stars were only accessories. Both Jews and Gentiles believed the heaven to be supported on pillars or foundations—the mountains.

The Deity abode in heaven at first; but as heathen worship gradually degenerated, the people, after being accustomed to sacrifice on the mountain tops, by degrees began to look upon these mountain tops and high places of original scenes of worship as the occasional haunts of the gods; and eventually (and, so far as we know, *after* the manifestations on Mount Sinai) these mountain tops became the recognised abodes of the gods, though, at the same time, the higher order lived also in heaven. Thus the exact position of Olympus is most deluding. From the Iliad at one moment it appears clearly to have been situated in heaven, far above the earth; at another time to be near the earth, near the summit of Mount Olympus, though not identical with it. It is possible that at the time the Iliad was originally composed the gods were just obtaining a local habitation, and thus the difference of language in the several parts.

The fact that each national centre had a Mount Olympus, an Ida, or a Zion, is sufficient proof that the account of the

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Thessalian home of the gods was no local tradition belonging to that place, and to the Achæans in particular, but was either a tradition travelling with the several human races in their onward progress from the east, and referable back to the most ancient times, or else it was the circling echo of some extraordinary manifestation of the Deity upon a mountain top, as took place upon Mount Sinai. Such wonders as were seen on the giving of the law cannot have failed to have become known, even if not heard and seen, by the wild children of the desert, the rightful owners of these parts; from these the rumour would quickly have extended throughout the people speaking languages somewhat akin. When we consider that all the present civilised world has now accepted the fulfilled religion of the Hebrews, it can scarcely be urged that nations may not have done so in a modified form in earlier times, when there certainly was not nearly so great a divergence between the heathen and the Hebrews, as during the last two thousand years. Such being the origin, as surmised, with regard to mountain worship, it is natural to conclude that, after the abode of the gods was transferred from the heavens in the east to the mountain tops, these tops would become the kibleh; that such was the case I have as yet seen no proof, and there are no existing remains of temples in the Mediterranean (except Egypt) of so early a date; but possibly the change of position to the west from the east may have taken place at once without the period of mountain kiblehs intervening, in imitation of the tabernacle worship, which I will now allude to.

In modern atlases and school-books we are accustomed to find the tabernacle represented as a modern European tent, of the description called Marquee, such as is seen at a flower-show in this country.

This idea was first brought forward and developed about twenty years ago by Mr Fergusson, and it has rapidly been taken up by the public, though I do not think that this representation to the eye of an Arab or Jew brought up in the East would call up any idea but that of the travelling

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tent of a rich Frank tourist. The oblong box-like structure shown in the works of Calmet, Bähr, and Newman is in all probability the real representation of the tabernacle, for it exactly corresponds to the description given in the Bible; Mr Fergusson, however, ridicules this shape, appealing to our English prejudices, by suggesting its likeness to a coffin with a pall thrown over it; but he does not explain how the likeness to the modern coffin should be any objection to its use among a people living three thousand years ago, who used neither coffin or pall, and whose eyes were entirely accustomed to building of the general shape of our modern coffins.

As a matter of fact, the oblong box (call it coffin-shape if it is preferred) was and is the shape of all the buildings in Egypt and the East generally, as far as India, of which proof can be found in the Biblical accounts, in Fergusson's "Principles of Architecture," and in modern photographs: and I ask Mr Fergusson to produce a specimen of any early building from those countries, dating before our era, with a high-pitched roof, similar to that which he ascribes to the tabernacle—even the Pyramids were built in a series of steps.

The tabernacle was reproduced in stone in the construction of the temple; but Mr Fergusson does not attribute a high-pitched roof to that edifice. It is evident, however, that if there had been such a roof to the tabernacle we should have some trace of it in the form of the temple or in the architecture of the country. Instead of this there is only reference to flat roofs.

It may be said that the tabernacle was only a tent, but I contend that it was not a tent in our sense of the word. It was a wooden box-like building, with a leathern roof—a wooden portable temple.

Admitting for one instant that it was a tent, I ask why it is necessary to give it a high-pitched roof, when Arab tents of the same size at the present day are nothing like a marquee. I have passed the night in Bedouin tents during heavy rains, whose roofs of one thickness of camel hair, had a slope of not more than one in six, and they were comparatively dry inside;

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and I do not see any reason for supposing that the roof of the tabernacle was more than a foot higher at the centre than at the sides.

Mr Fergusson suggests that, with the box-like structure, the roof would sag in; but, in his construction, he is obliged to introduce a great many ridge-poles and uprights not mentioned in the Bible, with the use of half of which the box tabernacle would have its roof so held up as not to sag.

The high-pitched roof introduces a grave difficulty; the upper part is open from east to west, and the wind would have raised the roof and blown the tent down with facility. Again, the Holy of Holies is left without any roof except the angular one of the tent; it thus ceases to be a *cube,* and it is open to the light and air to the west, so that any person on an elevation to west could see into it. Such a construction is entirely contrary to the Biblical account, where the entire seclusion of the sanctum is enlarged upon, and the interior spoken of as "thick darkness."

Mr Fergusson also makes a point as to the ornamental curtain being only seen in part of the box tabernacle; but there was no occasion for it to have been seen by mortal eye. If the choice work of the tabernacle had been intended for view, the embroidered curtain might have been used as a covering outside instead of the rough badger skins. The whole account goes to show that the box was for the enshrinement of the most precious jewel any nation could possess; and, therefore, with a rough covering on the outside, the hangings and furniture of the structure were made more and more costly the closer they were to the jewel they were intended to enshroud. There is nothing inconsistent in the covering of the golden-laden boards with an embroidered cloth, and that again with goats' hair. The precious Shekinah might well be carefully housed.

I have not space here to show how closely Calmet's box tabernacle corresponds in its dimensions with those given in the Bible; but I have worked the question out many times and cannot find out the difficulties alluded to by Mr Fergusson,

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neither can I see any merit in the high-pitched roof which he has given in lieu of that with a very gentle slope.

I have one more point to allude to on this subject, and that is the shape of the *other* tabernacle, the Kaaba at Mecca. It is described as an oblong box-like structure, and, if less ancient than the tabernacle, was possibly copied from it. The Arabs suppose that the Kaaba was built by Abraham in imitation of the heaven-descended tabernacle of clouds, which appeared on some spot at Mecca to Adam after his exit from Paradise. There is thus a curious connection between the ancient worship of the descendants of the two sons of Abraham—of the bond-woman and of the free—which is very interesting to those who study the subject, and which probably led that distinguished scholar, the late Emanuel Deutsch, to describe the Mohammedanism of Arabia as the Christianity of the East.

It will not be to our purpose to follow the tabernacle through its wanderings; it served its purpose well until the arrival of the Hebrews in the Promised Land; then there was a startling change: the ark and the tabernacle became wrenched asunder; the former fell into the hands of the Philistines; the Hebrews, in despair, took to sacrificing and seeking the Lord again on high places on their own account, in spite of the Mosaic law on the subject, and the strict forms and ceremonies fell into disuse until the tabernacle became fixed in stone during the reign of King Solomon.

In Jerusalem it was reared on the high place, the threshing-floor of Araunah the Jebusite, on Mount Moriah, possibly the scene of Abraham's exhibition of deep faith toward God, or possibly outside the walls of the Salem of King Melchisedek.

The history of the locked-up stone of Jerusalem, Es Sakhrah, has already been partially told in your papers, but recent researches and excavations have led to a fuller knowledge of that sacred work than we then possessed. At present it is enshrined within the Dome of the Rock, the building of Abd el Melek, and is the source of attraction to the Moslems in their secondary pilgrimage. In some measure it is of greater im-

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portance than even the Kaaba at Mecca, and with the black stone of the Kaaba and the garden at Medina, enjoys the destinction of being considered a portion of Paradise on earth.

The dust accumulated on this stone is carefully collected once a year and distributed among the people as an antidote to opthalmia. The Mohammedan traditions about this rock are sufficiently curious; though about forty feet square, it is said to be a detached stone, only resting on the top of a palm-tree, from the roots of which, issuing from Paradise, flow all the rivers of the earth. It is also the centre of the world, and it is Bethel, the gate of heaven, where Jacob lay and dreamed: it is about twenty miles nearer heaven than any other spot on earth. Here it was that Mahomet arrived on his visionary night journey to heaven from Mecca, having in one of the gateways of the noble sanctuary tied up Barak, on whose wings he had come. He found a ladder of light descending to the rock from heaven, and by the help of Gabriel he sped up with the rapidity of lightning, followed close on his heels by the sacred stone, which, however, was captured and fastened down again by the angel. These legends are no doubt compounded of many of the historical accounts related in holy writ much materialised, and they point to the extreme reverence the Moslems have for this rock. Whence then comes this stone, and what is it?

While founding his religion, and rooting out the idols from the Kaaba, Mahomet conceived the idea of making the ancient kibleh of the Jews at Jerusalem the kibleh of his followers, and announced his decision. Finding, however, that this device, contrary to his expectations, had not the desired effect of attracting the Christians and Jews, and that the Arabians were angry at the secondary position given to their ancient temple, the Kaaba, he was seized with an inspiration; and when worshipping at Kibleytein toward Jerusalem, suddenly faced round, and worshipped toward Mecca. Thus, there was much reason among the Moslems for highly venerating this spot at Jerusalem.

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On the capture of the Holy City by Omar in A.D. 636, the site of the ancient temple was found covered with refuse, placed there by the Christians as an active token of their abhorrence of the Jews. Omar, on clearing this away, discovered the present sakhrah, on which the cubbet was, in after-years, built by Abd el Melek. It was then, probably, as now, the highest portion of the crest of Moriah. A question arose whether the mosque (of Omar) should be so built that the kibleh of Moses and of Mecca should be in one line for those worshipping at Jerusalem, but Omar would not admit of such a compromise, and settled it otherwise.

Abd el Melek, at one time during his reign, fearing for his supremacy when Mecca fell into the hands of Abdallah ibn Zobei, again made the sakhrah the kibleh for a time. The Kaaba, however, resumed its position on peace being restored, and has since held the first place.

There can be little doubt that the sakhrah formed a portion of the mount on which the temple and its inner courts stood; but I do not think that it represents either the site of the altar or of the sanctum sanctorum.

I do not assert that the exact position of the ancient temple has been positively fixed, but I believe it has. No attempt has yet been made to assail the position I have assigned to it. The description of the position and arguments in favour of it will be found in the *Athenæum* (2469), and in the Palestine Exploration Fund periodical, and I will only briefly say a few words on the subject. In Palestine it frequently happens that close by threshing-floors are caves in the rock for storing grain. From the remark that Ornan and his four sons hid themselves, Dean Stanley has suggested that there may have been a cave, represented by that which is now found under the sakhrah, and that it was then the store for the grain they were threshing out. The floor would then have been on one side of the cave, probably to the south. In my plan, the altar stands on tank No. 5, which formed thus a portion of the subterranean communication spoken of as existing under the temple enclosure, and the sacred rock

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forms the floor of the room Pava (over the Magician's Chamber), and the Chamber of the Washers. The drain I discovered on the top of the rock was possibly that by which the refuse from the inwards was carried off. The cave forms part of the passage of the Chel under the gate Nitsots. The sakhrah, though not thus part of the temple proper or the altar, is part of the inner court, so sacred that within its precincts the king only could be seated. With this disposition the temple lies with its entrance to Arabia, facing about 10° north of east.

It has been suggested that, "according to the Jewish calendar, the temple was built on the 7th of Zif: the amplitude of sunrise on that day at Jerusalem, according to tables which we have always found accurately to explain the Hebrew dates, was 10° 48′ 30″ north of east." I have had no means of checking this statement, but it is very possible that in early times the east may have been obtained from the position of the sun at sunrise on a particular day, without any reference whatever to sun-worship. It would be most interesting if it could be ascertained that the position of other temples to north or south of east is in any way governed by the position of the sun at sunrise on any particular day of the year.

On entering the Promised Land, the Hebrews were enjoined in the strictest manner to uproot the heathen institutions, to destroy their altars and break down their images, and cut down their groves and burn the graven images with fire; but there is not a single allusion to the existence of any temples in Syria, nor does it appear probable that any existed at that time, for we learn from other sources that it was only in later days the temples came into use, and first, as Pausanias tells us, they were made of wood.

The Hebrews were also told to pluck down the high places of the heathen, but it does not appear that they carried out this injunction in its integrity; and it does not seem quite clear at the present day as to exactly what was intended by the order—whether it was simply to pull down the altars of the heathen which had been erected on sanctified places. At

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any rate, until the dedication of the temple, the sacrifice and worship of the Hebrews on high places, though not approved, was considered a venial offence as compared with other sins; and we even find Solomon going to the high place of Gibeon and sacrificing, and then being visited by the Lord in a dream, and promised by Him the gift of wisdom. Gideon was told to sacrifice on the top of a rock at Ophrah, and also Manoah in like manner elsewhere. High places continued to be the scenes of worship and of sacrifice among nations until a late date, and the upper chamber in the house and the house-top were also considered fit places for worship. St Peter went up to the house-top to pray, and the Last Supper was celebrated in an upper chamber.

On the heights of Nebo and Pisgah, also, altars only were used, and there is no mention of any temple. Certainly the remains of a temple exist in the ruins of the town of Nibâ, which I found in 1867; but this appears to be of quite a late date, probably not more ancient than the time of the Antonines.

It seems doubtful whether it was a temple whose pillars Samson pulled down on himself and his spectators, and it is not until the ark was placed in the house of Dagon that we have any direct evidence on the subject.

Micah also made a house for his gods.

It was only after the dedication of the temple of Solomon that we have any allusion to the temples of Baal, and the use of temples thus appears to have grown up after the entry of the Hebrews into the Promised Land.

The story of Bel and the Dragon contains the description of a pagan temple in Babylon of the time of Daniel, 600 B.C., in the reign of Cyrus, King of Persia. The account of this temple corresponds, as far as it goes, with those of later date which I examined in the Lebanon and about Hermon, especially regarding the secret entrance for the priests. The account is the more interesting because the earliest temples, whose ruins are now extant, are of about this date, and though they are unfortunately much ruined and altered, yet it is

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apparent, from what still remains, that they had their entrances to the west, contrariwise to all later temples.

Among the oldest of these I may mention the Parthenon and temple of Jupiter Olympius at Athens, which are said (Stewart's "Antiquities of Athens") to have had their principal entrances to the west. It would thus appear that we have *no cases of any temples with their entrances to the east earlier than* 600 B.C., that is, about 400 years *after* the construction of Solomon's temple, and 800 years after the setting up of the tabernacle.

This completely agrees with what Dr Potter tells us on the subject: "It was an ancient custom among the heathen to worship with their faces towards the east. This is proved by Clemens of Alexandria, and Hyginus, the freedman of Augustus Cæsar, to have been the most ancient situation of temples, and that the placing the front of temples towards the east was only a device of later years."

Vitruvius (B.C. 25) also says that the entrances of temples should be towards the west, although, in his time, most temples must have had their entrances changed to the east.

We have thus the testimony of ancient historians and their commentators as to worship having originally *been toward the east*, and of temples having been so turned, up to the year 600 B.C., or thereabouts. After this time all temples were either turned in a manner similar to Solomon's temple, or had no orientation at all. The inference I draw from this is, that the glory and knowledge of Solomon's temple gradually became infiltrated among the surrounding nations, and that the heathen, perhaps quite unconsciously, were influenced thereby.

Let us now make inquiry as to the prospect of those temples which increased so rapidly under the fostering care of the Roman empire, and whose remains are now so numerous: sacred some to the gods and some to men. The Greek scholiast upon Pindar (B.C. 25) tells us they were wont to turn their faces towards the east when they prayed to the gods, and to the west when to the heroes or demi-gods. It is of little

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use referring to the latter; they had no constant orientation, and were placed as circumstances required—facing a thoroughfare or river. But regarding the temples to the gods, in the existing remains in Syria, Greece, Italy, and Sicily, we find their entrances for the most part toward the east, and that therefore the people worshipped toward the west, as did the Hebrews. True, it had been surmised that the temples about Mount Hermon had been turned towards it as to a kibleh, so that worshippers might look to it and pray; but the plans and positions of all these temples have now been obtained, and, without exception, they all have their entrances to the east, and in no one case does the front, or any side of the building, face direct upon the summit of Hermon. They do not all face due east, but some a few degrees north or south of east—possibly in accordance with the direction of east as obtained from the sun at dawn on the day of commencement, or of dedication.

There is, however, one temple among these which differs from the rest, namely, that on the summit of Mount Hermon itself, possibly the remains of that remarkable temple to which St Jerome refers, at which the heathen from the region of Panias and Lebanon met for worship. It does not at all follow that the worshippers at this temple were the same people with those who met together in the temples surrounding the mount. Probably at that time, as now, there were several religious sects in the country; some, perhaps, following the old sun-worship, others that of the celestial gods, others that of the heroes, and possibly many adopting a mixture of all. There are now in the country several distinct sects of Christians, two distinct sects of Moslems, and also two sects whose religious observances are quite unknown to us, though much has been surmised concerning them. Of one of those latter, Benjamin of Tudila (A.D. 1165) gives some account, stating that they worshipped even then on high places and rocky ridges; and it seems probable that this sect may consist of the descendants of the ancient inhabitants, who preferred the secret worship approved of by the emissary of the mad

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Khâlif Hakim (A.D. 1120) to the open religion of their Moslem rulers.

That the older forms of sun-worship existed side by side with the not less idolatrous worship that sprung from it, there can be no doubt. Even as late as the time of the prophet Ezekiel we have a record of it: " . . . And, behold, at the door of the temple of the Lord, between the porch and the altar, were about five-and-twenty men, with their backs toward the temple of the Lord, and their faces toward the east; and they worshipped the sun toward the east." Hermon and other peaks of the Lebanons may thus have continued to be the scenes of sun-worship until a very late date, so late that I doubt but that traces may yet be found of it, if not the worship itself, among the people. In this worship it does not seem that a covered temple was necessary, and Herodotus tells us that the Persians had no temples, even in ages when temples were common in all other countries, and that they worshipped upon some high place. The Egyptian bas-relief at Tell Amarna, however, picturing the sun-worship during the eighteenth dynasty, when the Hebrews were in the country, shows a temple, the people having their backs towards it and their faces to the sun.

As has been mentioned, the temple of Hermon differs from those located around its base and roots: it is an open sacellum facing north-east, and situated south of the southern peak, for there are three peaks, about 500 yards apart, forming almost an equilateral triangle. The northern and western do not appear to have been the scenes of worship, but that to the south, probably from the earliest times, has been used as such. Here, in the caldron scooped out of the rock summit, is the place where, I presume, the children were given over to Moloch and devoured by the flames.

The place is so little known, and is of so interesting a nature, that I will give a short account of it:

Around the southern peak is an oval of upright stones well dressed, in a continuous curved line, about 2 feet in height, each stone being about 8 feet long. This oval is elliptical, its

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longer axis from north-west to south-east being 130 feet, its shorter axis being about 100 feet in length. Within the oval rises the peak to a height of about 18 feet, and at the apex is a hole cut out like a caldron, 9 feet in diameter, and about 6 feet deep; at the bottom is shingle and rubbish, and the true bottom is probably deeper; to the south, and just outside the oval, is the ruin of the sacellum.

This peak cannot be seen from any point below except to the east, and the summit generally cannot be seen from the villages at the base of the mountain. From many of the villages a culminating point indeed is seen, but it is merely the swelling of the mountain side and not the true summit.

This peak, pre-eminent among the high places of Syria and Palestine, with its stone oval, was apparently the scene of that portion of the ancient form of worship which the Moslems still preserve around the Kaaba and the Sakhrah: namely, the *towaf* or walk round, generally repeated seven times. Prior to the age of Mahomet, the people, when idolatry prevailed in Arabia, regarded the Kaaba as sacred; and having worshipped the black stone and reverently kissed it, proceeded, divested of all garments, to execute the towaf, nearly in the same manner as the Moslems execute the same ceremony at the present time, except that it is now performed with greater decency.

Whilst on the subject of high places, it may not be out of place to mention that the top of Mount Gerizim is also a kibleh, towards which the Samaritans turn during worship—a people who, though now restricted to the town of Nablous (and only numbering about 200), formerly inhabited many of the surrounding towns and villages. They are the only people in Syria who have *openly* carried on their form of worship continuously since the time of the captivity. Their customs and ceremonies on this account are most interesting, especially as they are founded on the Hebrew form of worship; and, having been antagonistic to them since the time of Cyrus of Persia, we have in them a most extraordinary living corroboration of the general truth of the Hebrew records, for the Samaritans would

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glory in any discrepancy which would tend to throw doubt upon the authenticity of the books of their ancient enemies.

It is remarkable, on the return of the Hebrews to the Promised Land, that Ebal and Gerizim should have been selected as the site for the reading of the law and the utterance of the blessings and curses by all Israel; and one of the chief differences in the Pentateuchs of the two people is, that the Samaritans read that the great altar of peace-offering, erected to Jehovah, was on Gerizim, the mount of blessing, and not on Ebal as we read it.

The rock towards which the Samaritans now turn is that on which they suppose the great altar to have been erected, and close to it is a small hole which they say is the spot where Abraham sacrificed; where Jacob dreamed; where the ark rested; the Holy of Holies. Dean Stanley suggests that this hole was the sewer by which the blood was carried away from the sacrifices, just as it was from the altar at Jerusalem. The pit in which the Paschal lambs are now roasted is to the west of this rock, and the Samaritans, when going through their ceremonies at Easter, face at the same time eastward, and toward their sacred rock, being thus the only worshippers to the east in latter days, with the exception of sun-worshippers. When away from Gerizim they face towards the stone on the summit in prayer.

Of the temple of Jupiter Hellenius, built on Gerizim in the reign of Antiochus, nothing apparently now remains; but it probably was on the site now occupied by the ruins of the Church of Justinian to the north of the sacred rock.

The heathen temples of the Roman empire continued in existence until the fourth or fifth century; in some cases, side by side, Jewish synagogues and Christian churches, in other cases, themselves turned into Christian churches. In Syria the heathen worship continued as late as A.D. 420, when the inhabitants summoned Simeon Stylite to help them from the ravages of wild beasts, and he counselled them to give up their idolatry; and Theodosius the younger made a law about the same time, enjoining the destruction of all hea-

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then temples, in default of their being turned into Christian churches.

I may mention that we have direct evidence of this having occurred in the remains of the temple of Rukleh, at the foot of Mount Hermon, where the apsidal end is most obviously an addition taking the place of the old eastern entrance, the latter entrance being from the west; the same is to be found in the ancient temple at Nibâ, west of Mount Nebo. That so few, comparatively, of these temples are now extant is not to be wondered at, when we read Gibbon, p. 65: "In Syria (about A.D. 381) the divine and excellent Marcellus . . . resolved to level with the ground the stately temples within the diocese of Apamia, . . . and he successively attacked the villages and country temples of the diocese. . . . A small number of temples was protected by the fears, the venality, the taste, or the prudence of the civil and ecclesiastical governors."

The synagogues of this period appear to form a distinct class of building from either temple or church, and, on looking at their orientation, we find it similar to neither that of church or temple: their entrances to the south, or facing Jerusalem. True it is that they are at present only to be found in Galilee, so that perhaps it would be more strictly correct to say that they face to the south. One synagogue only has been discovered south of Jerusalem at Beersheba, but the discoverer (Mr Church, U.S.) has not noted its orientation.

The architecture of these synagogues appears as though it were an adaptation to the Jewish wants, of the style of existing temples in the Lebanon.

At first examination it would appear natural to expect to find the chancel (if I may so call it) of the synagogues turned towards Jerusalem, and the entrance to the north, so that the people should turn towards their kibleh when they worship.

But there is another method of viewing the subject—viz., by continuing the principle on which the temple was built to the synagogues also: the temple with its front facing the east, from which the glory of the Lord proceeded; the syna-

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gogues with their fronts facing the temple, in which the glory of the Lord resided.

The entrance may also have been turned toward Jerusalem in order that there should be as little obstruction as possible between the worshippers and their kibleh. Thus we find Daniel prayed, his windows being open in his chamber toward Jerusalem; and we find the same sentiments running through the Eastern mind in a legend given in Burton's "Travels in Arabia," where Mahomet, either at Kuba or at the Kibleytein, being uncertain of the true direction of Mecca, suddenly saw his holy city, though so many miles off, and in spite of so many obstacles naturally intercepting the view. There appear to be several allusions in the Old Testament to the habit of turning towards Jerusalem in prayer, apart from the worship in the temple itself.

In examining the opinions of the authorities regarding the direction in which the synagogues should face, we find very conflicting evidence.

Vitringa and Buxtorf make Jerusalem the kibleh, so that worshippers, when they entered and when they prayed, looked towards the city. Clemens of Alexandria makes the east the kibleh; and Dr Lightfoot, quoting from the Talmud, tells us that the chancel, corresponding to the Holy of Holies, was towards the west, the people facing that way. Probably Clemens of Alexandria only referred to European and African synagogues, and thus so far agrees with Vitringa and Buxtorf; but we have still two systems left, that in which the chancel is towards Jerusalem, and that in which it is to the east; and finally, we have the existing remains disagreeing with both, the entrance being towards Jerusalem, and therefore apparently their chancels away from it. The Jews in Jerusalem, at the present day, state they should face towards Jerusalem when they pray, wherever they may be, and to them the noble sanctuary is still the kibleh. Some Moorish Jews state that, during certain prayers, they face north and then south.

On studying the orientation of early Christian churches, we

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find much written on the subject, especially in the works of Mr Asplin and Mr Gregory, in the early part of the last century. These writers, taking very different views, have nearly exhausted the subject, without bringing us to any definite conclusion, owing, in some measure, I apprehend, to the mistaken opinion that the Jews worshipped towards the west, whereas they worshipped towards the mercy-seat, wherever they happened to be. Mr Asplin, in particular, who has investigated the subject very thoroughly, is constantly prevented clenching an argument by the view he has taken as to the western worship of the Jews. There is, further, the very grave difficulty as to the known position of some of the early churches; of those that faced north or south there is very little to be said. They were so placed, no doubt, owing to local peculiarities or circumstances, which may influence any rules, like that of St Patrick in Ulster, and there is no occasion to refer to these solitary exceptions; but there are cases which are very puzzling, those where the building lay east and west, the chancel to the west.

Of these we have some very notable instances, viz., the churches of St Peter at Rome, the church of Tyre, and the Church of the Holy Sepulchre; and also we may refer to the remark of Paulinus, Bishop of Nola, in the fourth century, who stated of his church, "It has not its prospect towards the east, as the more usual manner is." Mr Asplin goes so far as to quote with approval, "That for the four first centuries the general situation of churches was directly the reverse of what we now behold," yet he owns that this was contrary to the received opinion, not only of the vulgar, but even of the generality of our most celebrated and learned writers.

The key to this difficulty appears to me to lie in the fact that the door of the present Holy Sepulchre happens to lie to the east, and therefore the churches built on the model of that erected by Constantine over this sepulchre must necessarily have had their entrance to the east, an orientation therefore due to this exceptional and special circumstance.

The question may reasonably be asked by Europeans of

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the present day, why the early Christians should have given any orientation to their churches, seeing that the Lord is everywhere? It cannot be forgotten, however, that the early Christians, whether Jews, Samaritans, or Gentiles, were all more or less, Orientals, and were thoroughly accustomed to a kibleh, so that they would naturally have required one, both for uniformity and to satisfy their own cravings; and it appears to me due to the destruction of Jerusalem and the consequent loss of the Holy Sepulchre for so many years, if not for ever, that we owe our present immunity from worship towards it. Even now the Arab Christians pay the alleged sepulchre a reverence little less than that which the Mohammedans pay their black stone; and at Easter time, when the holy fire descends from heaven upon the sepulchre, the Arab Christians execute a towaf around it in a very similar manner to that indulged in by their Mohammedan brethren.

The Christians of the world have, however, escaped the use of this kibleh, and the injurious results which might have resulted to Christianity from its abuse. There is yet, however, a kibleh which the Christians have used from the earliest day, the east, and it would be most desirable to ascertain exactly how its use came about. Unfortunately this is involved in apparently hopeless obscurity. Some say it was a protest against the general worship of Jew and Gentile in their temples to the west, but here it is forgotten that the Christian religion did not overturn that of the Jews, but simply amplified and fulfilled it. Others say that the sun-worship having disappeared, with a few isolated exceptions, there was no reason why the Christians should not return to that kibleh from which the Jews had departed by way of protest, having, in its stead, the revealed glory in their temples. There is much reason in this argument, for the Shekinah had now left the Jewish temple. Others again say that it was simply to Jerusalem that Western Christians turn; and again, others that it was to the Garden of Eden, the Paradise in the East. It appears to me that a custom may obtain without any one very distinct or strong influence, if an

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infinite number of minor influences are brought to bear in one direction. For example: all early Christians being Orientals, would, as we are aware, require a kibleh, but being Jews, Gentiles, and Samaritans, they would all have had various opinions on the subject: is it not, then, possible that the kibleh to the east may have been that most agreeable or least disagreeable to the feelings of each individual of the early congregation, while each would have a different reason for the choice; thus the custom may have arisen fortuitously? While putting forward this supposition, I do not, however, myself think that our kibleh arose in this manner. I am inclined to think that it sprang from the sentiments on the subject which seemed to pervade the human race when not ousted out by some enforced rite, and that it was particularly induced by the prophetic allusions to the Saviour of the world in the Old Testament, wherein the references to the east are most remarkable.

We have allusion to the glory of God coming by way of the east, and also the Prince by the east gate of the temple. He is called the Sun of Righteousness, the Morning Star, the Day-Spring from on high. How is it possible to examine these passages without instinctively feeling that the east has to us a charm over other quarters of the heavens, to which, even in our daily talk, we are ever unconsciously alluding? From the time when Elijah went eastward across Jordon to be caught up, until our Saviour departed eastward past Olivet, we have continual reference to that as the special quarter of the heavens, and it should not therefore be surprising that we find the sentiment deeply engrained in the minds of all people.

Without this clue it would be most baffling and unsatisfactory to attempt to comprehend how the Christian writers could have got hold of the very sentiments common to the Egyptian and Greek heathen. We are told that, at Christian baptism in early times, the catechumens were obliged to stand facing the west and renounce Satan with gestures and outstretched hand, as though he were present—the west being

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the place of darkness and strength of Satan—and then to turn about to the east and make a covenant to the Sun of Righteousness, and promise to be His servant.

Clemens Alexandrinus says that they worshipped towards the east because the east is the image of our spiritual nativity, and from thence the light first arises and shines out of darkness, and the day of true knowledge, after the manner of the sun, arises upon those who lie buried in ignorance.

How exactly this dual sentiment regarding east and west, day and night, good and evil, darkness and light, agrees with those of the ancient heathen! Hesiod tells us that they considered the abode of night in the west, behind where Atlas supports the heavens, where others thought the isles of the dead lay.

And the funereal Sphinx, image of the setting sun, was made by the Egyptians gazing into the east, as it were into futurity. To the ancients the sun-symbolical representation of life, light, heat, and goodness, lay in the east.

The more we consider the subject the more identical appear the views on certain points of Christians, Jews, Mohammedans, and heathen, covered only with a slight veil of difference; and we might almost feel inclined to soften down the horror with which we are filled against heathen rites and ceremonies, and view them as kindred allegories to our own, were we not checked by the remembrance of their horrible application, resulting in atrocities and crimes which have never in the same degree disgraced Jewish and Christian people, showing that there is a difference equal to that between light and darkness.

Distinct, however, from the application of their religion to themselves, there are, to us Christians, sublime lessons to be learnt in their veriest fables, which the merest children can understand, as, for example, the fable of the ascent of Mahomet into the seven heavens, which, in its gross form, veils a beautiful allegory. I will only instance that portion which describes the repentant sinner penetrated with God's grace:

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"The face of the Deity was covered with 20,000 veils, for it would have annihilated man to look upon its glory. He put forth His hands, and placed one upon the heart and the other upon the shoulder of Mahomet, who felt a freezing chill penetrating to his heart and to the very marrow of his bones. It was followed by a feeling of ecstatic bliss, while a sweetness and fragrance prevailed around, which none can understand but those who have been in the Divine presence."

In conclusion, let me briefly recapitulate the principal heads of the system of orientation which I have endeavoured to trace:

First, we find the worship in early days generally towards the east, in groves and on high places; the custom kept in its integrity by the faithful, but degenerating to the worship of the sun and host of heaven, of stocks and stones, by the heathen. The very manifestations themselves to the faithful appear to be parodied and travestied by the heathen. The Hebrews are educated as a separate people in Egypt, as bondsmen, and are sent into Palestine to root out the Hamitic idolatries, and are specially interdicted from the form of worship of their forefathers Abraham, Isaac, and Jacob. To make their religious ceremonies completely distinct, the worship towards the east is given up, and that glory they formerly turned to in the east is now located in the tabernacle, to which they turn in prayer, and which, on account of the position given to it, causes them to turn their backs on the rising sun during their worship. This takes place in 1400 B.C., *and about 800 years afterwards*, viz., in 600 B.C., we have the *first signs* of the heathen following the custom in like manner, as can be seen in the temples at Athens. By the time Jerusalem was destroyed, the worship generally had changed to west; and on Christianity being established, the early members of our church turned for many reasons to the old kibleh, the east, and the custom has continued to this day. The question of kiblehs generally is discussed.

And now, in taking leave of the subject, let me say that I cannot expect others to be satisfied with the result of this

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paper any more than I am myself. I feel that, in discussing the subject, we are groping in the dark, but I cannot help thinking that the knowledge we are daily getting of the religions of the world generally will enable us shortly to see the question less dimly; and I shall feel quite contented to think that I may have been instrumental, through this paper, in drawing attention to subjects which have not usually been brought much in contact, and that some new ideas may result. That this subject is intimately connected with the history of mankind, the affinity of races, their customs and ceremonies, I think there can be no doubt.

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HISTORICAL NOTICES OF THE CRADLE OF HENRY V.

By WILLIAM WATKINS OLD, Esq.,

Fellow of the Royal Historical Society.

THE venerable relic which is the subject of this paper is a wooden cot (or cradle, as it has been called) of unquestionable antiquity, traditionally said to have been the cradle of the hero of Agincourt, the glory of Monmouth, Henry V.

Lambarde, in his "Topographical Dictionary," speaking of the destruction of Monmouth Castle in the thirteenth century, writes: "Thus the glorie of Monmouth had cleane perished, ne had it pleased God longe after in that place to give life to the noble King Hen. V." ("Alphabetical Description of the Chief Places in England and Wales," by William Lambarde, first published in 1730). It may befit me, therefore, as an inhabitant of this town, to use my endeavour to preserve from perishing the memory of an object which tradition has associated with him who has given undying fame to my place of residence, and which for a period of many years has been lost to us. Tradition, of course, is not evidence. But where direct testimony is not to be obtained, and in the absence of authoritative contradiction, it must be accepted as of a certain weight and worth. It will generally be found to be built upon a substratum of fact, and although, in process of time, the groundwork is almost invariably distorted, it is rarely destroyed. Should there be nothing, then, but tradition to link this rare example of mediæval furniture with the House of Plantagenet and the town of Monmouth, it would not, I opine, be beneath the notice of those whose professed aim is to classify the stores of the past and to preserve everything

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connected with those of our forefathers whose history is an honour to our land.

I may be allowed to observe, in the first place, that specimens of beds and cradles prior to the sixteenth century are very rare; and I believe the cot in question is a unique example of such an object claiming to belong to the fourteenth century. This is the more extraordinary, inasmuch as such articles of domestic use do not wear out very quickly, being usually made of hard wood, unexposed to weather or violence; and in the Middle Ages they were deemed of such value as to be often specially mentioned in the wills of people of quality. No trace exists of "my new bed of red velvet embroidered with ostrich feathers of silver, and heads of leopards of gold, with boughs and leaves issuing out of their mouths," which the mother of Richard II. left to her "dear son the king." The tattered remains of the old bed, called the bed of Henry V., which Coxe mentions in his history of Monmouthshire as having been long exhibited at the mansion of Courtfield, have vanished and left "not a rack behind." What has become of the "little cradille of tre in a frame coueryd and painted with fyne golde and devises, of a yerd and a quarter longe, and in bred xxij inches," which is ordered in a manuscript of "Ceremonies and Services in Court," *temp.* Henry VII.? or, still more, of the "gret cradille of estat, contenynge in length v foot and half, in bred ij foot and a half, coueryd in clothe of gold," of the same order-book? ("Antiquarian Repertory," vol. i., p. 336.) Rich coverlids were provided for the above; as also we find "a pane and a head shete for ye cradell of the same sute, both furred with mynever," in an inventory of Reginald de la Pole, in the fifteenth century (Turner's "Domestic Architecture in England, from Rich. II. to Hen. VIII.," 1859, vol. iii., p. 106). But of all such things, however treasured in their day, not a vestige has come down to us, except the venerable claimant which is the subject of this essay.

A false reputation for antiquity is so common that it makes one regard every claim with distrust. I am told that the

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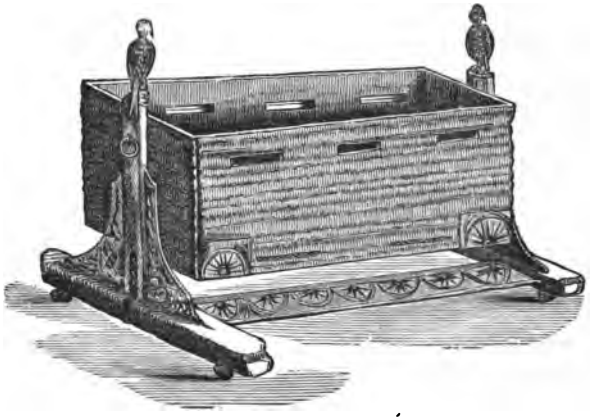
"fourteenth-century funeral pall," lent by the Fishmongers' Company to the Exhibition of Art Needlework in 1873, which was stated to have been used at the obsequies of Sir William Walworth in the time of Richard II., has since been proved, by the armorial bearings on it, to be of at least two centuries later date. The history of Edward's Tower in Carnarvon Castle is a parallel instance which will occur to every archæologist. The relic of which I am treating may, in like manner, be discovered by some future iconoclast to be an impostor; but, meanwhile, I will bring forward and record such claims as it has, and will adduce no opinion without producing my authority for the same.

The so-called *cradle* of Henry V., of which I submit a representation, is different in form from any of the antique



cradles I have met with, delineated in illuminated MSS. It is, in fact, a cot, and not a cradle. It belongs rather to the *lecti pensiles* mentioned by Joannes Alstorphius in his "Dissertatio Philologia de Lectis Veterum," which cradle-beds are said by Mercurialis, in his work, "De Arte Gymnastica," to have been invented by the Bithynian physician, Asclepiades ("De lecti pensilis, cunarum, ac navis gestationem facultatibus. Qui primo lectulos pensiles excogitavit Asclepiades."

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—Mercuriali De Arte Gymnastica). Ducange, in his Glossary, speaks of cradles suspended by cords, which would more resemble the cot under consideration. But there is one thing in common with them all—the peculiarity of an arrangement for a crossed band to prevent the child from tumbling out. This may be noticed in the twelfth-century bas-relief from the cathedral of Chartres, in Willemin's "Monuments Français Inédits" (planche 74, meubles du xii^me^ siècle), "Berceau garni de ses sangles croisées, précaution usitée encore dans quelques contrées et qui avait pour but d'empêcher l'enfant de tomber;" and again in the fifteenth-century cradle, from a manuscript in the Bibliothèque du Roi (No. 6896), "Le petit bers ou berceau garni de ses bandelettes pour preserver l'enfant des dangers d'une chute."

In my drawing of the cradle of Henry V., the openings for the lacing of the band appear, three on each side, while at the base are small holes through which a cord passes across the bottom to support the mattress.

The measurement has been given with slight variations in sundry works. According to my own, its size runs:

Length, 38 inches.
Width at head, 19½ inches; at foot, 17½ inches.
Depth, 17 inches.
Height of supports, including foot, 36 inches.

The wood is in places worm-eaten, and it is become rickety. One of the carved supports is very much decayed. Though all beauty has disappeared from what was originally a handsome and solid piece of furniture, traces of gilding and red paint can still be detected here and there, on close examination, and the carving of the spandrels and the birds perched on the supports is remarkably bold and characteristic. I am sorry to say some pieces of carved wood of anachronistic style have been inserted, of late years, in the corners; while the old plain rail beneath has been replaced by similar carved work. This does not appear in Mr Shaw's excellent engraving of the cradle, in his great work on mediæval furniture

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(H. Shaw & Meyrick's "Specimens of Ancient Furniture," fol. 1836); and the difference will at once be observed on comparing my drawing with any of the old engravings; but I have authority to state that these deplorable additions were made before it came into the possession of the father of the Rev. George Weare Braikenridge, the present owner. The entire chattel exhibits an appearance of archaic simplicity; and it has a far more ancient aspect than the cradle of James I., preserved at Alloa Park, the seat of the Earl of Mar, a drawing of which appears in Nichol's "Progresses." In the fine museum of its present owner, where the cradle occupies a place of honour, every care is taken of this precious relic; and should such care continue and the ravages of the Anobium beetle be stopped, as they might easily be, there is no reason why this antiquity might not continue, for many a century to come, a unique example of mediæval cabinet-work, and a memento of one of the greatest and worthiest of our kings. The cradle could not be in better hands than those of Mr Braikenridge, a Fellow of the Royal Historical Society, whose refined taste and antiquarian proclivities render him the worthy guardian of the many treasures of mediæval art which his museum contains.

I fancy it is Sir Thomas Browne in his "Garden of Cyrus," who remarks that nothing is ever so lost that diligent research cannot bring it to light; and he goes on to surmise that it would not be impossible to recover the ground-plan of the tower of Babel, or the song of the Sirens, or the language of Paradise! Without striving after anything so recondite, I must confess I have more than once almost despaired of ever coming upon the track of the cradle of Henry V., concerning which I read twenty years ago in topographical works relating to the county of Monmouth, and of which I was then assured, by local antiquaries, that not a trace was to be found. I should be almost ashamed to admit how shortsighted and futile my endeavours have been, did I not know that others far more influential and intelligent than myself have also sought the same object, and sought in vain.

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For upwards of seventy years the cradle had been missing; and although once during that period a description, by an eye-witness, and an engraving of it was published, it does not seem to have caught the attention of local antiquaries; and when, last summer, I determined to make a fresh effort to obtain intelligence respecting the missing chattel, the point from which I had to start was the commencement of the present century.

In the year 1804, Mr Charles Heath of Monmouth published his "Historical and Descriptive Account of the Ancient and Present State of the Town of Monmouth; including a variety of particulars deserving the stranger's notice relating to the Borough and its neighbourhood, collected from original papers and unquestionable authorities, the whole never before published." In this book is an account of "the cradle in which King Henry the Fifth was nursed when an infant." And the following description being written by a person who had himself seen the cradle, I felt I had some solid ground to go upon, though I had been more than once assured that the very fact of its existence was mythical:

"This highly curious and interesting relique," Mr Heath proceeds, "was the property of the Rev. Thomas Ball, vicar of Newland, in Gloucestershire; but at the time of my visit to inspect it a few years ago, such was the estimation in which it was then held, that it was consigned to a garret of an untenanted house, as an associate of the most useless lumber.

"According to the account which Mr Ball gave of its descent, it appears 'that one of his ancestors had been employed as a rocker to the prince—that it became an honorary present to him, in consequence of his situation in the royal household—and had continued as an heirloom in the family down to its then possessor.'

"The body of the cradle," writes Mr Heath, "which is wider at one end than the other, is suspended by staples, and a ring at each end, from two pillars joined by framework; a carved bird perches at the top of each, with foliage at the feet; it has six long holes at the upper edge for the rockers (three on each side), and twelve round holes at the bottom for cordage to pass through, which formerly was

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for supporting a rush-mattress, upon which beds of the best fashion in this country were used to be laid. A full inclination is shown to add all the ornament the workman's planes would afford upon the sides, which are carved with variety of irregular mouldings, struck from end to end: although it is remarkable that this Cambrian artist seems to have been unacquainted either with dovetailing or mitring, the ends being plain boards to keep out and fasten the sides to, which is done simply with nails; and yet the carving of the birds, and foliage to the pillars, between which it swings, are specimens of better execution. Old wainscoting of excellent impannelling carved in this style, has frequently no better joinings. Whence it appears that those who executed the nicer parts were not employed to put the work together. Its dimensions are three feet two inches long; one foot eight inches wide at the head; one foot five inches three-quarters at the foot; and one foot five inches deep. It is made of oak, inch and half thick, and the pillars are two feet ten inches from the ground to the top of the birds.*

"The Rev. Mr Ball was a very sensible and intelligent character, and lived to an extreme age—nor does there exist a doubt among well-informed persons in this neighbourhood but that the cradle was originally devoted to the use of the royal infant. On the decease of the Rev. Mr Ball, it was presented by his son to ——— Whitehead, Esq. of Hom-brook, French-hay, near Bristol, in whose possession it now remains, and who, I am informed, justly appreciates its value. Greatly indeed it is to be lamented that some character of fortune in the county did not endeavour to fix it at Monmouth—since, by its removal, its history is done entirely away."

So far Heath, an enthusiastic historian, but not always accurate. The name of the incumbent of Newland was *Peregrine* not *Thomas* Ball. Why the passage "that one of his ancestors had been," etc., is placed within inverted commas, I cannot say; but I remark that a long quotation from Bonnor, which follows, is *not* so distinguished. In speaking of the "prince" and the "royal household," Heath was simply blundering, inasmuch as Henry of Bolingbroke was only Earl

* "These birds had been gilt, but owing to lapse of time, and damp, or other cause, the gilding is nearly effaced, except in a few interstices of the feathers of the wings."

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of Derby at the time of the birth of his son and heir, and had no pretensions to the throne. His utter ignorance on this score is continually apparent. He says "at the time the *queen* was pregnant with her son and heir, the *king* was engaged in state affairs at Windsor," and in this he follows the blunders of others; but I fancy it was from his own imagination that he described the rocker as an *officer* of the royal household, who obtained the cradle "in consequence of *his* situation." The holes said to be "for the rockers" are the holes for the lacing band, before mentioned; but this error occurs in the quotation from Bonnor. The measurement is slightly different from my own and from Bonnor's. Lastly, Hom-brook should be Hambrook.

From this account we can gather certain original statements.

1. *That Heath himself had seen the cradle in a neglected state at Newland, a few years previous to* 1804. Now, from the First Fruits Papers in the Record Office, Gloucester division, I learn that the Rev. Peregrine Ball was appointed to the vicarage of Newland 20th February 1745-46, and was succeeded on his death by the Rev. John Probyn, 26th December 1794. There is every reason to conclude that Mr Ball was dead at the time of Heath's visit. The quotation of Mr Ball's account reads as though Heath had received it from some other person, who showed him over the house; and, though he afterwards speaks of Mr Ball as a very sensible and intelligent character, he does not state that he had been in personal communication with him, which there is little doubt he would otherwise have done. I think it most probable, therefore, that Heath examined the cradle about the close of 1794, before it had been removed to Mr Ball's son's residence at St Briavels, whither it appears to have been taken; and very likely it was at the sale of the effects of the old vicar. From this time of Heath's examination, till eighty years afterwards, when I lighted upon it in Mr Braikenridge's museum, I believe no Monmouth person had ever seen it, nor was it believed to be any longer in existence.

2. *That the well-informed people of the neighbourhood then*

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regarded the cradle as a genuine relic, and that Mr Ball, who lived to an extreme age, always asserted the tradition.

3. *That the gilding of the birds was still visible though nearly effaced.*

4. *That it was in the possession of Mr Whitehead of Hambrook, French-hay, near Bristol, as late as* 1804, *who was said to justly appreciate its value.*

5. *That its removal from the neighbourhood of Monmouth was at once felt to be a loss to the town, as well as a detraction from the interest of this relic.*

The same year that Heath published his history of Monmouth, Bingley's "Tour through North Wales" appeared, in which, according to Sir Samuel Meyrick ("Specimens of Ancient Furniture"), was a representation of the cradle. My copy of the book, however, does not contain it. In 1818 the Rev. T. D. Fosbrooke published "The Wye Tour," and gave in it a description of another cradle which, for some forty or fifty years, usurped the title of the cradle of Henry V., and of which anon. Fosbrooke at the same time referred to "that of Henry V., once preserved at Newland—a wooden oblong chest, without tester, swinging by links of iron between two posts, surmounted by two birds for ornament," which description is stated to be "from the engraving." He goes on: "This looks much more ancient than that at Troy, which has a tester, rockers, and is covered with crimson velvet, but this is similar to ancient royal cradles." The engraving above mentioned was, I presume, Bonnor's, which Fosbrooke reproduced on a very small scale in his "Encyclopædia of Antiquities," 4to, 1825 (plate, fig. 1. "The cradle of Henry V., misnomered of Edward II., see Archeol. vi. 336"). Under the heading "Cradle" is a similar description to the above: "In the Middle Ages we find cradles suspended by cords and covered with cloth. That of Henry V. is a wooden oblong chest, swinging by links of iron between two posts, surmounted by two birds for ornament."

Fosbrooke's knowledge of the cradle, we therefore see, was limited to an old engraving. He states that *it resembles*

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ancient royal cradles; but I do not know upon what authority.

In 1841, Mr Leitch Ritchie published "The Wye and its Associations." Speaking of Courtfield, he observes, "The remains of a bed and an old cradle were formerly shown as relics of the Monmouth hero."

In 1843, in the "Dictionnaire Iconographique des Monuments de l'Antiquité," by L. J. Guenebault, we find, under the heading, "Berceaux d'Enfant," the cradle is mentioned "de Henry V., roi d'Angleterre, ouvrage de 1400—Shaw." I need scarcely point out that, if genuine, the cradle must have been made at least twelve or thirteen years before the above date. The author seems to have known of it only through the beforementioned "Specimens of Ancient Furniture."

In 1850, in a number of the *Monmouthshire Gazette*, appeared the following letter, bearing upon the subject:

"St Briavels, *April* 1850.—Sir,—It is so much the fashion in our day to look back to olden time, that anything bearing the stamp of antiquity is regarded as interesting; be it an old book, an old table, an antique high-backed chair, or any other article that may have been in daily use by our grandmothers generations back. This feeling seems to have been on the increase since the close of the great war in 1815; and having no further fights or deeds of glory of our own to talk about, we commence thinking of days gone by, and the relics left of those times and doings. I, therefore, being possessed of the like feeling, have an itching to enlighten my neighbours with respect to an 'old cradle;' not the stately cot with damask curtains sweeping the ground, lined and befringed in modern style, such as those we now see elevated in the window of the fashionable emporium of our great cities, but one formed of good old-fashioned heart of oak, pannelled and carved with demons of monstrous shapes, flying serpents with forked tongues, both hooked and barbed, enough to scare the crying babe to silence, did it but know the horrid figures that watch its slumbers; and, withal, so firmly put together that it might have cradled royalty ever since the days of its first princely occupant down to the early part of the present century, at which date I have some faint recollections of having seen it. The tradition

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connected with it was called to my remembrance by reading in a local paper of the present year a notice of this very cradle, or, 'our cradle;' as it certainly should at this day be reposing, after all its rockings and tossings, in 'our village,' and would consequently be 'our cradle.' Sir, have you in your walks among the humble cottages of Wales ever seen the old wooden cradle that, rocked by force, sends forth a cry of seeming sympathy with the helpless babe within? If so, you have some idea of *my* cradle that rocked to sleep, not far distant from the banks of the Wye and Monnow, the warlike Harry of Monmouth who stands amongst you the admiration of every one. You *have* your hero always to look upon; we *had* the cradle that rocked to sleep that hero; it is gone from us for ever—sold for a mess of pottage or flattery. The tradition, as handed to me by my late father is this: In the village of Newland, near Monmouth, lived in the last century, the Rev. Peregrine Ball, vicar of the former place for forty-five years, and in whose possession was the cradle in which Harry of Monmouth had been nursed. The rev. gentleman often related the way in which it came into his family, tracing it back as having belonged to an aunt of his great-grandmother, but there the record of its earlier days is lost; still the cradle bore the stamp of its antiquity and royal purpose, its genuineness never being doubted, though no account has been preserved as to the direct way in which it had been handed down to posterity till about the close of the seventeenth century, when it came into the possession of the Ball family. How desirable would it be if some one could give us further information as to its earlier career. After the decease of the old vicar, his only son removed to 'our village,' bringing with him the cradle. Years rolled on, and reverse of fortune affected the mind of him who possessed this valuable piece of antiquity. The lady who presided over his household, in an unlucky moment, was induced to lend this precious relic, in order that a drawing might be taken of it for a society in London, and on board a Brockweir boat, plying from thence to Bristol, was shipped '*our cradle*'—shipped did I say?—thrown on board a Brockweir trow, treated as lumber during its transit, and at Bristol tumbled out on the landing-place, and taken away by strangers! Years afterwards application was made for its restoration; no reply was ever given, as far as could be ascertained. Mr Ball became imbecile and died, the

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lady left our village, and this most valuable and interesting relic, 'our cradle,' was lost to us for ever. C."

The principal interest of this epistle is, that *it is the evidence of some one between fifty and sixty years of age who had seen the cradle at the village of St Briavels, in Gloucestershire, about the commencement of the present century, and who had heard its history from his father.* As usual with all oral accounts, there is a certain amount of truth in this narrative mixed up with a deal of error. We have seen the Rev. Peregrine Ball held Newland forty-nine, and not forty-five, years. The childish imagination of the narrator transformed the carven foliage and arabesques of the spandrels into serpents and demons; and its having been located for a very short while in *our village*, during the early youth of the writer, seemed to him to make it *our* property. Whether his assertions are to be taken as facts, I will not say; but, in as far as they agree with other known facts, we may, I think, accept them.

Thus, we have fresh information that *Mr Ball's son conveyed the cradle to St Briavels*, and that *thence it was taken to Bristol*, having been shipped on board one of the Wye barges plying between Brockweir and Bristol; that *the relic passed out of the Ball family during the temporary imbecility of the owner;* that *it was sent away, on loan, for a drawing to be made of it for some London society, and was never returned, although efforts were made to recover it.* Beyond this is the oft-told tale of the aged vicar of Newland, with the addition that *the cradle came into the possession of the Ball family about the close of the seventeenth century, and had descended to the vicar from an aunt of his great-grandmother;* also that *an inquiry about the cradle was made in a local paper at the beginning of the year* 1850, *and, no information forthcoming, "C." published his recollections in the hope of obtaining news of the lost chattel;* lastly, that *the genuineness of the relic was never doubted.*

In 1861 Mr and Mrs S. C. Hall brought out their "Book of South Wales," and among other sketches which I had the pleasure of giving them for that work were the drawings of the two cradles laying claim to the honour of being the cradle

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of Henry V., page 72. The one was an original sketch, the other was copied from an engraving.

Their notice runs thus:

"On the great staircase at Troy House is preserved an old cradle, which is called that of Henry V. It is certainly not as old as the era of that monarch; we engrave it, together with some pieces of old armour, apparently of the time of Elizabeth, which stand beside it. A comparison of this cradle with that upon the tomb of the infant child of James I., in Westminster Abbey, with which it is almost identical, will satisfy the sceptical as to its date. It is covered with faded and tattered red velvet, and ornamented with gilt nails and silken fringe; from its general character we may believe it was constructed about 1650. The late Sir Samuel Meyrick considered it of the time of Charles I., and archæologists repudiate the notion of its being that of the fifth Harry.

"We engrave a representation of another old cradle, long preserved in Monmouth Castle, and which had better claims to be considered as that in which the baby-king was rocked. It has all the characteristics of cradles of his era as represented in ancient drawings, and was entirely made of wood. It was merely a wooden oblong box, which swung between posts, surmounted by carved birds, with foliated ornaments beneath. It has been figured in books devoted to antiquities, and recently in Murray's 'Handbook of Mediæval Art,' where it is stated to be preserved in Monmouth Castle; it has, however, long passed from thence into private hands."

Perhaps this is the point where I should introduce the little I have to say respecting the pseudo-cradle of Troy, mentioned dubiously also, as I have already observed, by Fosbrooke in 1818. The first public notice of it I have discovered is in the *European Magazine* for September 1808: "Half-a-mile from Monmouth is situated Troy House, the seat of the Duke of Beaufort, where is still to be seen the cradle in which Henry V. was rocked, and the armour that he wore at Agincourt." At this time the real cradle had passed out of sight for some years. The tradition of its having been preserved in the vicinity of Monmouth clung to the neighbourhood, and doubtless gave birth to this spurious successor. It is described

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by Williams in his "History of Monmouthshire" in 1796 as "a neglected habitation, the family of Beaufort residing in Gloucestershire," and it probably continued to be occupied only for a few weeks at intervals. Visitors to Monmouth would naturally inquire about the ancient cradle, and the one on the staircase at Troy being of undoubted antiquity, it would readily be associated with the original article.

Various topographical works meanwhile have supported the above delusion. Lewis's "Topographical Dictionary of England" describes Monmouth as "the birthplace of Henry V., who passed his infancy here, and whose cradle, and sword which he used at the battle of Agincourt, are deposited in Troy House." "The Land we Live in," a well-known work by Charles Knight, mentions Troy House, "an ancient residence of the Worcester family, but now most observable as a show-house. It contains family pictures and curiosities, chief among which are the cradle in which Henry of Monmouth was rocked, and the armour he fought in at Agincourt." A similar statement concerning "the cradle of the precious infant" finds a place in "The History of Henry V.," by George Makepeace Towle. In 1857 the Cambrian Archæological Society met at Monmouth, and in the paper drawn up by the late Mr Wakeman of the Graig, he denounced the Troy cradle unhesitatingly.

To return to the notice of our cradle in "The Book of South Wales." Here we meet with a statement that it was "long preserved in Monmouth Castle." I do not know upon what evidence this is founded, but I suspect it arose from an error in the "Archæologia." According to Mr and Mrs S. C. Hall, this error has again been repeated in Murray's "Handbook of Mediæval Art," a work I have not been able to meet with in the British Museum Library. It will be observed that the authors of "The Book of South Wales" could obtain no tidings of the locality of the relic, and even questioned its existence; and I may add that Mr Wakeman informed me, many years ago, that he had not been able to trace it.

In 1873 an essay, entitled "Notes on Beds and Bedding,"

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was published by James Blythe. The author remarks: "We may here mention that the cradle in which Henry V. was born at Monmouth is still in existence. It is very similar to the modern cot, and consists of a box three feet two by one foot eight wide at the head, and one foot five and three-quarters at the foot, its depth being two feet five inches. This is suspended on two carved uprights, on the top of each of which stands the image of a dove."

This notice is clearly not the testimony of an eye-witness. It is the first time we have heard it mentioned as "the cradle in which Henry V. was *born!*" There is a considerable mistake also as to its measurement. The notices in Rudder's "History of Gloucestershire" and the *London Magazine* being the only two that I have met with which call the carved birds "doves," I presume one of them is the source from which this description was taken.

I have produced those notices of the cradle I could find between the period of its last description by an eye-witness (1804) and the present time, with one exception; and that exception contains the clue to its locality. I did not know of Shaw's engraving of the cradle, and the notice of its being in 1836 in the possession of Mr Braikenridge, of Bristington, father of the Rev. George Weare Braikenridge, till after I had lighted upon it in the splendid museum of its present owner.

Upon making inquiries at Hamgreen, I found the Whitehead family had long since disappeared from the neighbourhood. The oldest inhabitants of the village stated that a Mr Whitehead had lived at Hambrook Court, and died there about seventy years ago. My inquiries, however, reached a gentleman of the name of Tanner, of French Hay, who, in the most friendly manner, informed me of all he could gather upon the subject. From Mr H. C. Harford, of Stapleton House, he learned that the cradle was successively in possession of a Mr Barnes and of Mr Braikenridge; and thus I reached the object of my search.

On making application to Mr Braikenridge, at Clevedon, he afforded me the following particulars of its history: It was

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purchased by his father, G. W. Braikenridge, Esq. of Broomhill House, Bristington, in 1834, at the sale of the effects of Mr Barnes, of Redland Hall, Bristol. In 1835 a careful, though inexact, drawing of it was made by Mr Henry Shaw, for Shaw and Meyrick's "Specimens of Ancient Furniture" (fol. 1836), wherein the following notice from the pen of Sir Samuel Meyrick appears:

"Plate XLI. The cradle of Henry the Fifth, in the possession of G. W. Braikenridge, Esq., Bristington, near Bristol. The beautiful foliage which fills the space between the uprights and stays of the stand of this cradle were never before engraved, although Bonnor in his 'Itinerary,' the *London Magazine* for 1774, and Bingley in his 'Tour through North Wales,' pretended to give representations of this interesting piece of antiquity. Henry the Fifth was born at Monmouth, in the year 1388, and sent to Courtfield, in that county, about seven miles off, to be nursed for the benefit of his health, under the superintendence of Lady Montacute. Here it was preserved for many years, until a steward of the property contrived to sell it. It then got into the hands of the Rev. Mr Ball, rector of Newland, Gloucestershire, and next those of Mr Whitehead, of Hambrook, and has been finally purchased by Mr Braikenridge. Its dimensions are 3 ft. 2 in. long, 1 ft. 8 in. wide at the head, 1 ft. $5\frac{3}{4}$ in. at the foot, 1 ft. 5 in. deep. The uprights, including the birds, are 2 ft. 10 in. in height. The foliage, before mentioned, corroborates the date."

In this notice, we may remark *the authority of Sir Samuel Meyrick, as a distinguished antiquary, with respect to the age of the carving, and the importance of the relic.* The cradle is now, *for the first time, stated to have been preserved many years at Courtfield;* and *the steward of the property is said to have sold it.* With the exception of the owner's name, there is not much in the notice but what may be traced, errors and all, to Bonnor's "Itinerary." With respect to Shaw's delineation, which accompanies the foregoing notice, I must observe, although by far the best representation we have, it is incorrect. He has ignored the carved corners, etc., which, according to Mr Braikenridge, were inserted prior to

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1834. He has also left out the holes at the base, and has inserted an imaginary clump of iron, apparently just where the cord goes.

This new statement respecting Courtfield was, I have no doubt, communicated to Sir Samuel Meyrick by the late Mr Vaughan; for I am informed by Colonel Vaughan, the present owner of the picturesque and historically interesting domain of Courtfield, that there is no documentary evidence of the cradle ever having been in his family's possession, but that he always understood from his father the cradle was formerly in possession of the Vaughans at Courtfield, till some time after 1745, when, owing to their being mixed up in the rebellion of the Pretender, they were compelled to leave England for a while; and during their absence, the cradle was disposed of by their steward, and so came into the possession of Mr Ball, of Newland. That on the death of Mr Ball, his curiosities were sold by auction, and that the late Sir Samuel Meyrick, of Goodrich Court, told him that he would have purchased it and reinstated it at Courtfield had he not missed the sale.

I have great reluctance in attacking family tradition. Tradition is the poetry of history; and, if genuine, is full of instructive truth. Unless, therefore, I found distinct arguments to the contrary, I should be inclined to admit the above as probable. But I am compelled to say I find much in this account that is untenable; and I can only admit this legend as carrying the weight of the undoubted testimony of the present representative of the ancient house of Courtfield.

In 1794, when the Rev. Peregrine Ball died, Sir Samuel Meyrick was only eleven years of age, he having been born 26th August 1783. I suspect the sale of which he spoke must have been that of Mr Barnes of Redland Hall in 1834. We have seen that Heath describes the cradle as being held in no estimation except as a family relic, consigned to a garret; and, whether he saw it before or after the death of the vicar, his account overthrows any theory of Mr Ball's having been a collector of curiosities, or that the

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relic was sold at his decease. The story of the steward's disposing of the cradle is one difficult to reconcile with the fact that the relic in question is a very cumbersome article, of no intrinsic value, nor in any way ornamental. Its only worth consists in the associations connected with it—associations which would render it of more value at Courtfield or at Monmouth than anywhere else. Supposing, however, some curiosity-monger did tempt the steward with £5 for the chattel, we must remember it remained within a few miles of Courtfield; and when the family returned to their seat they would at once have been made acquainted with the abstraction of an heirloom, whose history was closely connected with the traditional glory of their home, and they would have been in a position immediately to reclaim it from their neighbour, the clergyman of Newland. Moreover, in about five or six and twenty years after the alleged abstraction, we find a published description of the cradle, as an ancient heirloom in the family of the Rev. Peregrine Ball, which description is repeated in county histories, and no contradiction ever advanced against the claim, by the Vaughan family, who, we may naturally conclude, would never have allowed so flagrant an assumption, had they been in a position to contradict it.

Among the family papers in the possession of Colonel Vaughan, are some manuscript poems of the seventeenth century, elaborately describing the beauties and resources of Courtfield, with its statues, hanging gardens, etc., but no mention is made of the cradle of Henry of Monmouth. In the mansion, a room—a remnant of the old house—is still pointed out as the nursery of the young lord Harry. The name of this seat, according to Coxe, was originally Grayfield, and it was changed, from the circumstance of Henry V. having been nursed there. The Rev. J. Endell Tyler, in his "Memoir of Henry V.," speaks disparagingly of "the vanity of tradition at Courtfield, and the absence of any stories on the other side of Monmouth," as continuing a belief in the tale of this being the hero's nursing-place; but I think the

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historian steps beyond his province, when he allows personal feeling to discountenance tradition. There is a tradition that the horseman, who was hurrying through the ravine, near Goodrich, with the news of the birth of Henry of Monmouth, was thrown, from the stumbling of his steed, in the steep lane leading towards the castle, and was killed on the spot. There is another tradition, that the ferryman at Goodrich was the first who informed the Earl of Derby of the birth of his son and heir, and that he received the boon of the ferry in return. The old belief in Henry's having been sent to Courtfield to be nursed, may have many arguments produced in its favour; and it is certainly not to be upset by the sneer of unsupported opinion. I am not aware that there is even any direct evidence of Henry having been born in Monmouth Castle, but it would be difficult to find any one who would set it down to the vanity of tradition in the county, and the absence of claim elsewhere. In this case it is of course an admitted fact; and in the minor matter of his nursing-place, it may be accepted as an uncontradicted tradition, until reason can be produced that it should be discarded.

There is another point in connection with Courtfield which has been disputed. Henry is stated, in many topographical works, to have been nursed by the Countess of Salisbury; and her tomb is still pointed out in the picturesque church of Welsh Bicknor, which stands on the banks of the Wye, below the mansion. Coxe gives an engraving of this effigy, which, he states, must have been that of Margaret, Lady Montacute, daughter of Thomas, Lord Monthermer, and lady of the manor at that date. Williams, in his "History of Monmouthshire," makes the blunder (since copied by others) of calling this lady "Countess of Sunderland." She was daughter-in-law of the first Earl of Salisbury, sister-in-law of the second, and mother of the third. She died in 1395; and the monument, with its angel supporters, closely resembles the effigies of this period in Gough's "Sepulchral Monuments." It was thus a not unnatural mistake among the country

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people of the district, to call the figure the Countess of Salisbury instead of Lady Montacute. Being a family connection of the young Earl of Derby (her grandmother was a daughter of Edward I.), it is not improbable that the child might have been placed under her care in the safe and secluded peninsula of Courtfield.

That we find her son, John, Earl of Salisbury, within twelve years, conspiring against Henry IV., does not in any way invalidate the tradition of Lady Montacute's taking charge of her kinsman's son and heir. Henry, by his usurpation of the throne, must have made enemies as well as friends; and the Earls of Salisbury had been old adherents of Richard II. The second earl, uncle of the preceding, it was, who met Anne of Bohemia on her way to England to be married; the Earl of Salisbury, with 500 spears and as many archers, received the bride-elect at Gravelines, and escorted her to Calais; and he himself was the companion of Richard in his downfall, mounted on "a sorry nag," as narrated by the historians Stowe and Pennant, when "the Duke of Lancaster brought them from Flint to Chester," and thence, after a night's rest, on to London. Lady Montacute's son was certainly no friend to Henry IV., whatever his mother may have been to the Earl of Derby. He it was who "purposed to kil hym on the xij night," and, when encountered with "hard by licestre," was "overcum and by & by heddid" (Leland's "Collectanea," vol. i., p. 485).

The autumn of the year of Henry's birth was a period of disquiet. The friends and evil counsellors of Richard II., Robert Vere, Duke of Ireland, Michael de la Pole, Earl of Suffolk, and others, were accused of misgoverning the realm, and were defeated wherever they took the field against the opposing party, of whom the infant Henry's father, though quite a young man, was a prominent member. We read, the Earl of Suffolk escaped to France, and entered Calais disguised as a poulterer, selling capons. The Duke of Ireland, defeated by the Earl of Derby at Radcot Bridge, in Berkshire, December 20, 1387-88 ("Eulogium;" Cotton MSS.;

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Galba, e. vii.), had to rid himself of his gauntlets and sword to swim the river Thames. "Richard the Redeles," as the king was called in a contemporary poem, was already beginning to feel the strength of that party which eleven years later hurled him from his throne; and the struggle of this crisis must have made it an anxious and exciting time for all engaged in it, and this may perhaps have been one reason for the baby lord to be sent to the quiet and seclusion of Courtfield.

That Lady Montacute herself acted as nurse to the infant, is of course a ridiculous supposition; in fact, it would appear, the nurse's name was Johanna Waring, who, after Henry V. came to the throne, received an annuity of £20, "in consideration of good service done in former days" ("Memoirs of Henry of Monmouth," by the Rev. J. Endell Tyler). Had the child's father then held the throne it might have been different. The Countess of Mar was appointed nurse to James VI. of Scotland, whose cradle, as I have already had occasion to remark, is still preserved at the family seat, Alloa Park. In the wardrobe accounts of Henry, Earl of Derby, from 1387-88 to 1388-89, the first year of his married life (for although he was espoused to Mary Bohun at fifteen years of age, when she was but twelve, the young couple did not probably live together till 1387, no prior household accounts being in existence), it would appear the earl and countess then resided at Monmouth Castle, but only for a while. Among the entries is a charge "for a long gown for the young Lord Henry." The second child, Thomas, was born, and £2 paid to the midwife in London, before October 1388 (according to Tyler), which I suppose means 1388-89. The entries in the various chronicles and MSS. of this period are rather confusing, owing to the different modes of reckoning; 1388 is the date accepted as the year of the birth of Henry of Monmouth, although the inscription on the statue in front of Monmouth Town Hall gives it 1387; and, according to Coxe, the historians Holinshed, Rapin, and Stowe, each give a different year for the event. Various items of clothing for the

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children are entered in the before-mentioned accounts; and, "at Kenilworth," there is an entry of "five yards of cloth for the bed of the nurse of Lord Thomas, and an ell of canvas for his cradle." It would therefore seem that the earl and countess were moving about pretty much as earls and countesses do in these more peaceful days. But while from their household records we learn that the second child, with its nurse and cradle, were with them, there is no entry to show whether the elder son, together with his nurse and cradle, were with the family, or at Courtfield, or elsewhere. We are therefore thrown back on the tradition; and must leave the matter there, while we proceed to gather certain remaining notices of the cradle itself, extending back from the period when it was in the possession of Mr Whitehead of Hambrook, at the beginning of the present century.

It was not only mentioned, as we have seen, by Heath in his "History of Monmouth;" it was likewise noticed by Archdeacon Coxe in his "History of Monmouthshire," published in the year 1800, the most important county topographical work we have. Referring to Henry V. having been nursed at Courtfield, he continues: "His old cradle was preserved at the house of the Rev. Mr Ball, rector of Newland, in the vicinity, which descended to him from his ancestor, one of the rockers; it is now in the possession of Mr Whitehead of French Hay, near Bristol, and, from the engraving given by Bonnor, seems to be a curious piece of antiquity." But this account is simply copied from Bonnor, who the preceding year had published his "Itinerary." One would have thought the archdeacon, however, might have known that Newland was a vicarage and not a rectory, and might have corrected Bonnor on that point.

"The Copper Plate Perspective Itinerary, or Pocket Portfolio," by J. Bonnor, engraver, appeared in 1799. In No. iv., p. 34, we find the following passage:

"Proceeding along the path you have in view the old mansion, venerable woods, and hanging gardens of Court Field, the residence of the late William Vaughan, Esq. For the benefit of this salubrious

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air, Henry, Prince of Wales, born 1388, at Monmouth Castle, and therefore called Harry of Monmouth, was nursed here. Fig. 3, pl. xi., represents the curious cradle in which he was rocked. It became an honorary perquisite to one of the rockers, who was an ancestor of the Rev. Mr Ball, rector of Newland, which is in this vicinity. And in 1773, when this drawing was made, by his permission, it was in his possession, who related that it had continued in his family from that time. It is given as a real curiosity of the fourteenth century. Since the death of that gentleman, his son has presented it to ——— Whitehead, Esq. of Hambrook, French Hay, near Bristol.

"A drawing of it was presented to the publisher of the *London Magazine* the same year, but the inaccuracy of the engraving from which it appears in that work for March 1774, and a very material error in the history which accompanies it, renders its introduction here necessary to their correction, as will be obvious from a comparison with the representation here offered. The misstatement of its history was occasioned in the following manner: To the drawing was annexed a written description of the cradle only. When it was put into the editor's hand, he was informed that it was the cradle of Prince Henry of Monmouth, afterwards King Henry V., who was born at Monmouth Castle. In preparing the article for the press, some time after, he erred in his recollection of the account that was given him, and, not aware of the mistake, he stated it to have belonged to the first Prince of Wales, who was born at Carnarvon Castle. The error was pointed out by Mr Bonnor, but was never corrected. The editor was unwilling, perhaps, to proclaim his own mistake, at so material an injury to the story it would have sustained by losing an hundred years of its antiquity; yet it is sufficiently respectable on that account, it being 410 years since it was really in use.

"The body of the cradle, which is wider at one end than the other, is suspended by staples and a ring at each end, from two pillars joined by framework; a carved bird perches at the top of each, with foliage at the feet; it has six long holes at the upper edge for the rockers (three on each side), and twelve round holes at the bottom for cordage to pass through, which formerly was for supporting a rush mattress, upon which beds of the best fashion in this country were used to be laid. A full inclination is shown to add all

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the ornament the workman's planes would afford upon the sides, which are covered with a variety of irregular mouldings struck from end to end. Although it is remarkable that this Cambrian artist seems to have been unacquainted either with dovetailing or mitring, the ends being plain boards to keep out and fasten the sides to, which is done simply with nails, yet the carving of the birds and foliage to the pillars, between which it swings, are specimens of better execution. Old wainscoting of excellent impannelling, carved in this style, has frequently no better joinings, whence it appears that those who executed the nicer parts were not employed to put the work together. Its dimensions are 3 feet 2 inches long; 1 foot 8 inches wide at the head; 1 foot 5¾ inches at the foot; and 1 foot 5 inches deep. It is made of oak, inch-and-half thick, and the pillars are 2 feet 10 inches from the ground to the top of the birds."

Beneath the engraving is the inscription:

"The cradle of Prince Henry, afterwards King Henry V., born at Monmouth Castle, 1388. Drawn from the original, 1773, by permission of the Rev. Mr Ball, rector of Newland, Gloucestershire, by J. Bonnor."

From the above we learn that *Bonnor made the drawing in 1773, from which the engraving in the* London Magazine *was copied;* and he seems also to have supplied the description, since he states that *he at once informed the negligent editor of the mistake he had fallen into in calling it the cradle of Edward II.* It may be remarked that Mr Bonnor received the account from the Rev. Peregrine Ball himself. He speaks of the "hanging gardens" of Courtfield, which we have heard were features of the spot in the preceding century. His blunders in calling the infant the Prince of Wales, and the vicar the rector, demand correction. There is also a mistake of twenty-five years in his chronology. Under a false impression of the infant's regal state he imagines more than one person would be appointed to rock the child, and fancies the band-holes are the places for their hands.

This description, however, is the fullest we have met with, and had the cradle never been engraved, it would have enabled one to recognise the relic at a glance. Bonnor's

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engraving will be seen to differ slightly from the one in the *London Magazine;* but, even had he not stated that it was from the same drawing, the fact would have been self-evident. Mr Whitehead is stated to have been *presented* with the cradle by the son of the Rev. Peregrine Ball. From the before-quoted letter of "C.," in the *Monmouthshire Gazette*, it would be inferred that it came into his hands by chance, after being sent to London to be engraved. I am inclined to think the former is more probable. I can find no engraving made between 1794 and 1799, at which last date we hear it was in Mr Whitehead's possession. Nor have I any evidence of Mr Ball's derangement of mind. The Rev. William Taprell Allen, vicar of St Briavels, informs me that a Mr Thomas Ball lived in the vicarage house about eighty years ago. He was a bachelor, and a particular friend of the old Squire Edwin of Clearwell, which is close to Newland, and there is every probability that he was the son of the old vicar. He is said to have been eccentric, and to have had a great fondness for birds. A reason for Mr Ball's parting with this heirloom may appear in his being unmarried, while Mr Whitehead may possibly have been a family connection, and, any way, is described as one who would appreciate and take care of such a curiosity. An old seal, bearing the Ball crest—a demi-lion rampant, carrying a ball between its paws—was found near the vicarage some time since, and is now in the possession of Mr Allen. The name frequently occurs in the church registers of St Briavels and Hewelsfield from 1661, but no entry of a Peregrine Ball can be found. There is a probability of the old vicar's family having belonged to this neighbourhood, but I have no evidence of the fact, much as it would strengthen his assertion respecting the history of the cradle.

In the "Archæologia" (vol. vi., p. 363), published in 1782, is the following short sentence, which is of interest to us, and at the same time illustrates my observations:

"The birth of Henry the Fifth in the Castle of Monmouth, when his father was Duke of Hereford, and resided there, at which place his cradle is still preserved."

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In these few words, extracted from a pseudo-scientific journal, there are no less than two glaring blunders. In the first place, the Earl of Derby was not created Duke of Hereford before the twenty-first year of the reign of Richard II., when Harry of Monmouth was in his tenth year (Leland's "Collectanea," vol. i., p. 483). In the second, the cradle was not in Monmouth, but, as we have seen, in the possession of the Rev. Peregrine Ball, at Newland.

In Rudder's "History of Gloucestershire," published in 1779, the following account of the cradle occurs, under "Newland:"

"The Reverend Mr Ball, the present incumbent of Newland, is possessed of a curiosity that deserves to be mentioned. It is the cradle of King Henry V., who was born at Monmouth. The whole is made of oak, and the part where the infant lay is an oblong chest, open at top, and with an iron ring at the head, and another at the feet, by which it hangs upon hooks, fixed in two upright pieces, strongly mortised in a frame which lies upon the floor. Thus suspended, the cradle is easily put in motion. Each of the upright pieces is ornamented at the top with the figure of a dove, gilt and tolerably executed."

In this description *the gilding of the birds* is mentioned, from which we may infer it was then in better condition; the birds are also specified as doves. It appears to have been written by an eye-witness. The cradle is described as an oblong chest, open at the top. Perhaps I should add there is also no bottom, the mattress having been supported by the cords, while its shape very much resembles the Saxon cryb or cota, as figured in ancient MSS.

In 1775 another original sketch of the cradle was made, which appeared in the "Antiquarian Repertory" (4 vols. 4to), that year edited by Grose. It is described as "the cradle in which Henry V. was nursed at Monmouth Castle. Engraved from an original drawing by F. Blyth, September 1, 1775." This sketch is taken from the opposite side to my own (as also is Bonnor's), the foot of the cradle being towards the spectator, and the spandrels carved alike. It is incorrect

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in its proportions, and does not give the lacing-holes for either the cord or band. In the description *we find it stated to have been in Monmouth Castle.* It was probably from this the writer of the notice in the "Archæologia" made his misstatement respecting the locality of the relic.

Two years before, in 1773, the original sketch of which we have read in Bonnor's "Itinerary," had been taken by Bonnor, with Mr Ball's permission, and sent to the editor of the *London Magazine.* The article appeared in the number for March 1774:

"Having been favoured with a curious drawing of the cradle in which Edward the Second was rocked at Carnarvon Castle, we have taken the earliest opportunity to present it to our readers.

"The plate is engraved from an accurate drawing of the cradle in which this unfortunate prince was rocked, which piece of antiquity is in the possession of the Rev. Mr Ball, of Newland, in Gloucestershire. It descended to him from his ancestors, to whom it became an honorary perquisite. This singular piece is made of heart of oak, whose simplicity of construction and rudeness of workmanship are visible demonstrations of the small progress that elegancy had made in ornamental decorations. On the top of the uprights are two doves; the cradle itself is pendent on two staples, driven into the uprights, linked by two rings to two staples fastened to the cradle, and by them it swings. The sides and ends of the cradle are ornamented with a great variety of mouldings, whose junctions at the corners are not mitred, but cut off square without any degree of neatness, and the sides and ends fastened together by rough nails. On each side are three holes for the rockers. To secure the uprights from falling, there is a strong rail near the bottom, and the whole is rendered steady by cross pieces for feet, on which it stands. Its dimensions are: 3 feet 2 inches long; 1 foot 8 inches wide at the head; and 1 foot 5 inches wide at the foot; 1 foot 5 inches deep; and from the bottom of the pillar to the top of the birds is 2 feet 10 inches."

The period of history involved in the tradition of this relic is replete with interest. During the short lifetime of the hero who is said to have been rocked in it, not only a blaze of

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military glory lit up the land, but the dawn of the Reformation was slowly brightening. Wycliffe had just passed away, and under his influence the Lollards were beginning to bear testimony to a faith that outshone the fires of martyrdom. The dark ages of serfdom were doomed, and although the grand tyranny of the feudal system still kept all classes in a condition of bondage, it produced a ferment that was the cause of those chivalric pictures of alternate violence and splendour which distinguish this epoch. The light of intelligence was growing from day to day, and amidst clouds of ignorance there glimmered a foreshadowing of modern liberty.

Llewellyn, the last Welsh prince, had closed the scene of Cambrian history in bloodshed and defeat a century before; but the conquest of Wales remained unsettled till the seal was put upon it by Henry of Monmouth, when not even the magical glamour of Owen Glendower's fame could avail against the march of events which was to establish a united kingdom. James I. of Scotland was a captive in England. It was the period of the rebuilding of Westminster Hall, and of many of our historic castles and abbeys. The story of Wat Tyler's rebellion must have been the common recollection of London citizens, while every town and hamlet had its tale of warfare. The very language of the people was undergoing rapid development. "The Vision of William concerning Piers the Plowman" was introducing new ideas as well as a new tongue, while the muse of Chaucer opened the splendid roll of English literature, a literature that is now the treasured heritage of continents, and seems destined to be the foremost of "the great globe itself."

How strangely, yet how forcibly, is Richard described on his throne in his chamber, "wherynne he was wont to sitte, fro after mete vnto evensong tyme, spekynge to no man, but ouerloking alle menne; and *yf he loked on eny man, what astat or degre that evir he were of, he most knele.*" Within a few months of this pride of place the sower of the wind reaped the whirlwind, and, in his despair, cursed "the untrouthe of England; and said, Allas! what trust is in this

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fals worlde!" At the formal abdication of Richard at Westminster, we read, Henry the Usurper "aros and blissid hym," and claimed the crown, with the full approbation of those present; whereupon the Archbishop of Canterbury "made a colacion" on the text "Vir fortis dominabitur populo," which, I presume, was a defence of the old theory that might is right. There is something deplorable in the tragic end of King Richard. One can well imagine when he heard in his captivity of the execution of the Earl of Salisbury, the son of Lady Montacute of Welsh Bicknor, "he was utterlie in despair," and so "for sorou and hunger he deid in the castle of Pountfret."

The perfect character of Henry of Monmouth warded off all opposition. He was the admiration of his age: "truli a gracious man," as Lydgate calls him. He looked "very much like an angel," says Elmham, in describing his coronation; while, according to Monstrelet he was almost apotheosised by his people after his demise, "comme silz furent ascertenes qu'il fut ou soit sainct, en paradis." Prophetic as genius often is, it is narrated that he turned sorrowfully to his chamberlain, when told of his son's birth at Windsor Castle, and said: "My lord, Henry of Monmouth shall reign but a short time and shall acquire much, but Henry of Windsor shall reign long and lose all." He expired, we are told, while the priests were chanting, at his request, certain Psalms of David; and so, soothed by the deep spiritual experience of the sweet singer of Israel, he tasted "the joy of salvation," and passed away so serenely that his attendants were unaware that he had died.

It is refreshing to come into contact, as it were, with this grand soul, whose whole existence was heroic. His nobility invests with honour everything with which he has been associated. It is with reverence we gaze upon his shield and helmet in Westminster Abbey, or examine his signature amongst our records, or read his pleasant words; and the tradition of his having slept, a little child, in the old cradle of this memoir, lends an undying interest to its history.

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MEMOIR OF GEORGE WISHART, THE SCOTTISH MARTYR. WITH HIS TRANSLATION OF THE HELVETIAN CONFESSION, AND A GENEALOGICAL HISTORY OF THE FAMILY OF WISHART.

By the Rev. CHARLES ROGERS, LL.D.,

Historiographer to the Royal Historical Society, Fellow of the Society of Antiquaries of Scotland, and Corresponding Member of the Historical and Genealogical Society of New England.

An inquiry into the life of George Wishart presented few attractions. Believing that he claimed the gift of prophecy, Mr Hill Burton * describes him as "a visionary." Mr Froude† charges him with preaching without authority and with illegally assuming the priestly office. Professor Lorimer‡ alleges that, in his early ministry, he denied the doctrine of the Atonement. Mr Tytler§ has sought to prove that he intended murder, by conspiring against the life of Cardinal Beaton. Having ventured on the elucidation of his history, I have investigated the charges brought against him, with care and, I trust, impartiality. The result will be found in these pages. Meanwhile I may summarise my deductions, and say that the martyr has, from the inquiry, come forth unstained. He did not claim prophetic powers; he preached with canonical sanction; he did not act as a priest or ordained clergyman; he taught the doctrine of the Atonement throughout his whole ministry; he did not conspire against Beaton, and if he knew of the conspiracy he condemned it.

* Burton's History of Scotland, Edin., 1873, 12mo, vol. iii., p. 251.

† Froude's History of England, Lond., 1870, vol. iv., p. 177.

‡ Lorimer's Historical Sketch of the Scottish Reformation, Lond., 1860.

§ Tytler's History of Scotland, Edin., 1869, vol. iii., pp. 365-374.

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I have accompanied the memoir of George Wishart with his translation of the first Helvetian Confession. I have added a genealogical history of the House of Wishart, which includes a memoir of Sir John Wishart of Pitarrow.

For useful materials I have been much indebted to Mr J. F. Nicholls, of the City Library, Bristol, the Rev. Dr Struthers, minister of Prestonpans, and Robert R. Stodart, Esq., of the Lyon Office. I also record my indebtedness to the town-clerks of Montrose and Dundee, and to Mr Walter Macleod, of Edinburgh, who, as a professional searcher of the Public Records, cannot be too highly praised.

MEMOIR OF GEORGE WISHART.

During the reign of the fifth James, the intolerance of Scottish churchmen had reached its height. The clergy were cruel and rapacious. They seized the chief offices in the State, and the people groaned under their misrule. Feigning charity, they practised avarice. Their lives were dissolute in the extreme. The monasteries, formerly the sanctuaries of religion and letters, had become the unhallowed resorts of unblushing profligacy. Divine worship was a thing of unmeaning pomp and empty ceremony. Sacerdotal oppression crushed the national energies; and with the degradation of the sacred office religion began to be despised. Each confessor, as he arose, was dragged before the ecclesiastical tribunal, and might escape death only on a recantation alike public and degrading. The martyrdom at St Andrews, in 1527, of Patrick Hamilton, nephew of the Earl of Arran, and a descendant of the royal house, sufficiently proved that, in the maintenance of its supremacy, the Roman Church was determined to strike everywhere. But the death of this amiable martyr, instead of repressing, stimulated inquiry, and induced further investigation into the working of a system, maintained by the sale of indulgences on the one hand, and upheld by the executioner on the other.

James Wishart of Pitarrow, Clerk of Justiciary, and King's Advocate in the reign of James IV., married, prior to the 13th

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April 1512, as his second wife, Elizabeth Learmont. This gentlewoman was a daughter of Learmont of Balcomie, and sister of that James Learmont, whose name as a statesman we shall find associated with public events in the interest of the Reformation. The family were descended from the older House of Learmont of Ercildoune, or Earlston, in the county of Berwick, of which Thomas the Rhymer was the most conspicuous member.

George Wishart, the future martyr, was the only son of James Wishart of Pitarrow, by his second wife. He was probably called George after his maternal grandfather; the name was certainly derived from his mother's family.* The precise date of his birth is unknown, but it has generally been assigned to the year 1513. By the death of his father, which took place before May 1525, his upbringing would devolve on his mother, assisted probably by her brother, James Learmont of Balcomie.

George Wishart chose the clerical profession, in which several members of his House had attained distinction, and wherein his prospects of advancement, owing to the intimacy which subsisted between his family and David Beaton, Abbot of Arbroath, the future cardinal, were not inconsiderable.† As his name does not occur in the registers of any of the Scottish colleges, it is extremely probable that he was sent by his maternal uncle to one or more of the universities of Germany. During the progress of his studies he seems to have embraced the Reformed doctrines. In the year 1534 John Erskine of Dun established at Montrose a school for the Greek language, under the superintendence of a learned Frenchman.‡ On the retirement of this foreigner, Wishart, who had lately returned from the Continent, took his place. Having imported copies of the Greek Testament, he distri-

* George Learmont was, in 1531, infeft as "son and heir of umq[l] James Learmont of Balcomie and Grizel Meldrum."

† See Genealogical History of the Family of Wishart, *infra*.

‡ Life of John Erskine of Dun; Wodrow MSS., vol. i.; Biblioth. Coll., Glasg.

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buted them among his pupils. This procedure was reported to John Hepburn, Bishop of Brechin, who summoned him to appear in his diocesan court. This was in 1538.*

The times were perilous. Wishart saw his danger and fled. Proceeding to Cambridge, he entered the College of Bennet or Corpus Christi. Cambridge was a nursery of the Reformed doctrines. There, in the Augustinian monastery of which Barnes was prior, and Coverdale one of the monks, Bilner and Latimer had preached the new faith. There, too, had Cranmer and Ridley read the Scriptures in the original tongues: the former being a Fellow of Jesus College, the latter Master of Pembroke.

Wishart was probably invited to Cambridge by Dr Barnes, with whom he may have contracted an intimacy at Wittenberg, where that eminent divine resided with Luther. At Cambridge he was introduced to Hugh Latimer, Bishop of Worcester. By Latimer his acquaintance would be earnestly cultivated. Each could point to oppression at the hands of bigoted churchmen. During a preaching tour which, under a licence from the University of Cambridge, he undertook in 1531, Latimer, in the pulpits of Bristol, denounced the doctrine of purgatory and the invocation of the saints. His prelections were received with favour by the laity; and on the invitation of the mayor he consented to conduct service on Easter Sunday. Informed of his intention, the local clergy procured an order from the Bishop of Worcester, an Italian named De Ghinuce, prohibiting any clerk from conducting service in the city, without his special sanction. The clergy next accused him of immorality, and as he disproved the charges brought against him, they arraigned him as a heretic in the court of Archbishop Warham. Their prosecution was stopped by the accession of Cranmer to the primacy. Being now bishop of the diocese, which he became in 1535, he was desirous that the Reformed doctrines should be preached in a city where a portion of the laity were willing to receive them, while as bishop he hoped to protect the preacher from molestation.

* Petrie's History of the Catholick Church, part ii., p. 182.

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Eager to obey his wishes, and to be useful in the Church as a preacher or evangelist, Wishart agreed to proceed to Bristol.

Obtaining from Latimer orders as *a reader*,* Wishart commenced his labours in Bristol, by lecturing, on Sunday the 15th May 1539, in the church of St Nicholas. The clergy were on the alert. They silenced Latimer eight years before, and in 1525 had compelled Dr Robert Barnes to bear his faggot.† Wishart they pounced upon at once, charging him before the mayor and justices with preaching doctrines condemned by the Church.

Arresting the preacher, the mayor sought direction, as to further procedure, from the Recorder, Lord Cromwell, in the following letter:

"Pleaseth it your honourable Lordship to be advertised that certeyn accusations are made and had by Sir John Kerell,‡ Deane of Bristowe, deputie of the Bishop of Worcester, our ordinary, and dyvers others, inhabitants of Bristowe foresaid, against one Geo. Wischarde, a Scotisheman born, lately beyng before your honourable Lordship; which accusations the said deane and other inhabitants aforesaid hath presented before me, the Mayor of Bristowe and justices of peace. And the same accusations I have received, sendyng the same unto your said honourable Lordship. And, furthermore, the Chamberlain and the Deane of Bristowe shall sygnyfy unto your honourable Lordship, the very truth in the premysses, unto whom we shall desyre you to give credence. And then our Lord preserve your honourable Lordship in helth and welth, according unto your own hartiest desire.

"At Bristowe the ix. day of June, Anno Regis Henrici VIII. xxxi.

"Be me THOMAS JEFFRYES, *Mayor of Bristol.*

"To the Right Honorable Lord,
"Lord Pryvy Seale."§

* This was an inferior order in the Church. The reader possessed a faculty to preach, but he was not under the vow of celibacy like ecclesiastics of a higher grade. Wishart is styled "the reader" in the correspondence which follows.

† Seyer's History of Bristol, 1821, 2 vols. 8vo, vol. ii., p. 215.

‡ The name of the dean was Kearne.

§ From the Original in the Public Record Office.

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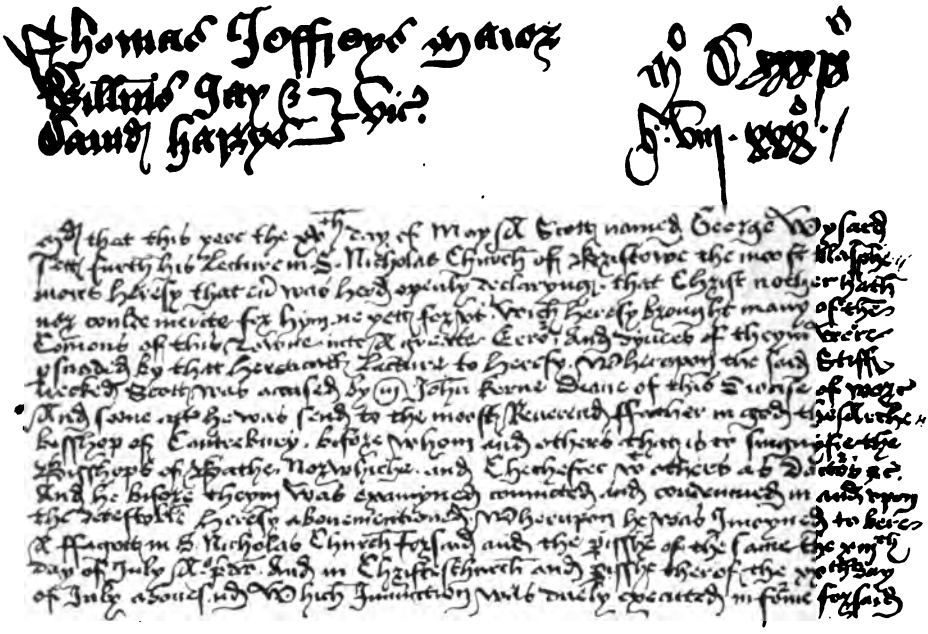

FROM THE MAYOR'S CALENDAR BRISTOL.

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Wishart in the hands of Lord Cromwell was safe. But hostile influences were at work. On Monday the 16th May, the day subsequent to the lecture in St Nicholas' church, the Duke of Norfolk introduced, in the House of Peers, the "Bloody Act of the Six Articles,"* intended to restore Catholic ascendancy, and prove a scourge to those who maintained Protestant sentiments. In June the Act passed both Houses of Parliament, and, receiving the royal assent, became law. Forthwith ecclesiastical courts, assuming the worst features of the Inquisition, began to persecute to extremity those who upheld the new opinions. For refusing to subscribe the articles Bishop Latimer was thrown into prison, and compelled to resign his bishopric. The persecution which overtook him was extended to his *protégé* the reader. An indictment by the Bristol clergy against Wishart, was laid before an ecclesiastical court, consisting of the Primate, Archbishop Cranmer, who still halted between two opinions, Clark, Bishop of Bath, Repps, Bishop of Norwich, and Sampson, Bishop of Chichester. Advised by Cranmer, Wishart consented to retract. Receiving his submission, the court ordained him to carry a faggot in St Nicholas' church, Bristol, on Sunday the 13th July, and in Christ church, of the same city, on the following Sunday.†

The heresy of which Wishart was accused is mentioned in a contemporary record, belonging to the corporation of Bristol, known as the *Mayor's Calendar*. Commenced in 1479 by Robert Riccart, the town-clerk, the record was continued under the direction of the municipal authorities; it is now preserved among the muniments of the city. Of the entry relating to Wishart, having obtained a photograph, we present a facsimile on the opposite page. It reads thus:

"1639, H. VIII. xxx, Mem.

"That this year the 15th of May a Scott, named George Wysard,

* Froude's History of England, Lond., 1870, vol. iii., pp. 199-217.

† Memoirs, Historical and Biographical, vol. ii., p. 223.

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sett furth his lecture in S. Nicholas Church of Bristowe, the moost blasphemous heresy that ever was heard: openly declaryng that Christ nother hathe nor coulde merite for him, ne yett for vs: Which heresy brought many of the Comons of this Towne into a grete Error: and dyvers of theym were persuaded by that heretical lecture to heresy. Whereupon the said stiffeneck'd Scott was accused by Mr John Kerne, Deane of this Diocese of Worc(ester), and soone aft. he was sent to the moost Reverend ffather in God, the Archebishop of Cantrebury, before whom and others, that is to signifie the Bisshops of Bathe, Norwhiche, and Chichestre, w. otheres as Doctors, etc. And he before theym was examined, conuicted and condemned, in and vpon the destestable heresy aboue mentioned. Where-vpon he was injoyned to bere a ffaggott in S. Nicholas Churche forsaid, and the parishe of the same the xiijth day of July as foresaid: And in Christe Churche and parishe therof the xxth day of July abouesaid. Which Iniunction was duely executed in forme forsaid."

Under the belief that the words "Christ nother hathe nor coulde merite for him, ne yett for us," represent the charge brought against the preacher, Mr Seyer, in his "History of Bristol," remarks that Wishart "seems to have adopted notions similar to those which were afterwards brought to a system under the name of Socinianism."* Adopting a similar view of the passage, Professor Lorimer writes:

"It does not admit of a doubt that Wishart had fallen at this early period of his life, while his views of Divine truth were still immature, into some serious misapprehension on the subject of the merits of Christ and the way of human redemption. If the Popish churchmen of Bristol had been his only judges, we might have been justified in receiving, with hesitation, so strange an accusation; because he was no doubt even then a vigorous opponent of Popish doctrines. And it was probably his zeal in attacking the doctrine of mediatory merit, in the case of the Romish saints, which carried him into the heretical extreme of denying the mediatory merit of the Redeemer himself. But as he was sent up to London to be tried by a tribunal over which Cranmer presided, it is only fair

* Seyer's History of Bristol, vol. ii., p. 223.

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to conclude that the sentence which that tribunal pronounced upon him was just."*

These conclusions are unwarranted. As Wishart preached at Bristol under the sanction of Bishop Latimer, it may surely be assumed that his doctrines did not materially differ from those of his patron. And the charge of Socinianism is further rebutted in words which he used in translating the Helvetian Confession not long afterwards. That translation contains the following sentence:

"As he [Christ] onely is our mediatour and intercessour, hoste and sacrifice, byshop lord and our kynge, also do we acknowledge and confesse him onely to be our attonement and ransome, satisfaction, expiacion; our wsdome, our defence, and our onely deliuerer; refusyng utterly all other meanes of lyfe and saluacion, except thus by Chryst onely."

In the interval between quitting intercourse with Latimer —immediately before his visit to Bristol—and his living on the Continent soon after that visit, was Wishart likely to deny the fundamental doctrines of Protestant theology? Does the statement of the Bristol chronicler warrant so improbable a conclusion? Read in their present form, the words descriptive of Wishart's teaching are confused and meaningless. In asserting the general proposition that Christ's merit availed not for others, was he likely to strengthen the affirmation by a special allusion to himself? A chief error of the Romish Church, against which the early English Reformers preached, was the worship of the Virgin. By inserting the word *mother* before "nother" in the record, the passage obtains an intelligibility which it at present lacks. Thus: "George Wysard sett furth his lecture, in S. Nicholas Church of Bristowe, the moost blasphemous heresy that ever was heard; openly declaryng that Christ [mother] nother hathe nor coulde merite for him, ne yett for vs." Finding, in im-

* The Scottish Reformation: An Historical Sketch, by Dr Peter Lorimer, Lond., 1860, pp. 92-96.

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mediate juxtaposition, two words similar in form, as are mother and nother, the engrossing clerk had inadvertently omitted one of them, a species of error into which transcribers are prone to fall. Had the preacher affirmed, as part of his creed, that the Redeemer's merit did not extend to himself personally, the Romish clergy would probably have permitted this portion of his doctrine to pass uncondemned. But Wishart certainly taught that the Virgin mother had no merit either for her Divine Son, or for any others.

In connection with Wishart's persecution at Bristol, three remarkable letters are preserved in the Cottonian MSS.* These letters have different signatures, but are all evidently written by one person who, residing at Bristol, was intimately conversant with the habits and peculiarities of the leading citizens. With the signature of William Ryppe, the following letter bears to be despatched from Coventry to Thomas White in Bread Street, Bristol:

"'Grace and pece be with us.'

"O yow enemys to godes worde, why hath yow accused the same yong faithfull man that dyd rede the lector the very worde of god, he dyd no thing but scripture wold bere hym, and to discharge his conscience? Thowgh the kynge and his counsell, w. his clergy hath made suche ordynance, yet they that be lerned will leve the kynges ordinance & styk to the ordinance of god, which is the Kyng of all Kynges. And we be bounde to dy in god quarell and leve the ordinance of man, and there this good yong man is trobelid; but I trust yow shall all repent hit shortly, when my lord privy seale† do heare of it. And yow folys mayer, and that knave

* Brit. Mus., Cotton MSS., Cleopatra EV., fol. 390.

† The celebrated Thomas Cromwell, Earl of Essex, who held office as Recorder of Bristol, was also Keeper of the Privy Seal. In the books of the city chamberlain is the following entry, respecting a balance of salary due to Lord Essex at the time of his execution: "For so much the £20 charged in this side, paid to the Lord of Essex, late Recorder of this town, for his fee due to him at the feast of the Nativity of our Lord God in Anno 1540: which customary used to be paid at one time: and for that the said Lord of Essex was beheaded before that feast in the same year, anno 1540, we, the auditors, find that the £20 ought not to be allowed in this account."

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Thomas White, w. the lyar Abynton,* the prater Pacy,† & flatering Hutton,‡ & Dronkyn Tonell,§ folis Coke,‖ dremy Smyth,¶ & the nigarde Thorne, ** hasty Sylke,†† stuttyng Elyott,‡‡ symple Hart,§§ & grynning Pryn,‖‖ prowde Addamys,¶¶ & pore Woddus,*** the sturdy parson of saynt Stevyns, the prowde Vicar of saynt Lenardes, the lying parson of saynt Jonys,††† the dronken parson of saynt Eweens,‡‡‡ the brayling wr of the calenders, the prating Vikar of

* The Abyndons were an old Bristol family. Henry Abyndon, Bachelor of Music at Cambridge in 1463, was a member of King's Chapel, and Master of St Catherine's Hospital, Brightbow, Bedminster. In 1550 there is mention of "Abyndon ys Inne." This inn was rebuilt before 1565, and was then known as the new inn. The individual mentioned in the letter was probably Richard Abyndon, who was mayor of Bristol in 1526, and again in 1537. In 1529 he was elected M.P. In an old calendar of the city, the following entry occurs: "On the 17th of July there was such thundering and lightening which lasted from 8 o' the clock at night untill 4 next morning, which was fearfull for to heare; but when Richard Abbingdon deceased the thunder also ceased presently."

† "The prater Pacy" was probably the vicar of All-Hallows; but a person of the name was mayor of Bristol in 1532.

‡ Hutton cannot be identified. § Tonnell was mayor of Bristol in 1529.

‖ Coke was mayor in 1535, and M.P. in 1537.

¶ Smyth was sheriff of Bristol in 1533.

** Nicholas Thorne was a wealthy shipowner, and founder of a school at Bristol. He served as sheriff in 1529. In 1537 he represented the borough in Parliament, and in 1545 was elected mayor. He died August 19th, 1546. His portrait by Holbein is extant.

†† A person named Sylke was sheriff of Bristol in 1530; and the "proude vicar of St Leonards" was also Thomas Sylke. Both belonged to an old Bristol family of the name. William Sylke was rector of All-Hallows in 1264, when "Isonde, relict of Hugh Calvestone, grants lands to the Church, on payment of a yearly rent of a penny or a pair of gloves at her option." By another deed, dated about the same period, William Sylke "gives, grants, and confirms in fee, for the souls of his father, John Sylke, his mother, Isabella, and all his predecessors and successors," money "to keep a lamp for ever burning in the church of All-Hallows" —the said money to be derived from land in Seatepull Street, Bristol. In 1547 a Mrs Sylke bequeathed to the poor of St Thomas's parish three shillings for annual distribution.

‡‡ Robert Ellyott was Sheriff of Bristol in 1522, mayor in 1541, and M.P. in 1542. In the patents of 1501 and 1502, for the discovery and settlement of the lands in America, his father, Hugh Ellyott, was associated with Ward, Ashehurst, Thomas, and Thorne, merchants of Bristol.

§§ Hart was sheriff of Bristol in 1536. ‖‖ Pryn was sheriff in 1537.

¶¶ Addamys was mayor of Bristol in 1546.

*** Woddus was Sheriff of Bristol in 1535.

††† Thomas Tasker. ‡‡‡ Waterhouse.

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allhalowys, w. dyvers other knave preistes, shall all repent this doing. Farewell the enemys of the worde of god.

"Writen in haste at the noble cyty of Coleyn by yo^{r} loviar William Ryppe of Brystow."

(*Inserted on the margin.*)

"The worshipfull m^{r} Thomas White in Bredestrete in Bristow this letter be delyvered w. spede from Coventre."

The second letter bears to have been written at Rome, by Thomas Abynton. It is addressed on the margin:

"To the worshipfull m^{r} Thomas Abynton, in Bristow, this letter be delyvered from Croydyn to Bristow."

The letter proceeds:

"Yet onys agayne to the enemys of godes worde as ye knave the mayer, very fole to the kynges grace, & enemys to my lorde pryvy seale, and to y^{r} awne sell.

"O yow knavys and enemys to the worde of god now yow may se what cruelty yow dyd use in putting this faithfull Reder in pryson, and now be glad to putt hym owt agayne: If yow had not yow sholde have bene burned owt of yo^{r} howsyng, yow shall repent this doing iff some of us do lyve, and specially some of the knave preists: as the same prowde knave the Vykar of saynt Leonardes,* rowling his night cappe of velvett every day and not able to chaunge a man agrote, & the dronken parson of saynt Jonys,† & that perpetuall knave the parson of saynt Stevyns, & brasyn face knave of allhalows, baburlyppe knave the preist of saynt Leonardes, w. long syr harry, and lytle S^{r} Thomas, w. the vycar of saynt Austens, the olde fole. All these of this diocese that have cure shall go lyke knavys to sing *Ave regina* when the byshoope cum,‡ for they have warning the last visitacion, & take this my warning yow knavys all. Now to the Temporalty. That same knave Thomas Whyte now doth

* Thomas Sylke was vicar of St Leonards. † Thomas Tasker.

‡ Bishop Richard, who was employed as a royal commissioner at Bristol for the surrender of the monastery.

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begyn to shrynke in his harnys, but that shall not helpe hym. And the folishe mayer must folow a many of knavys counsell, & at the instance of the two poticarys,* the false knavys that ever was Schrevys this m^r yere, and wily knavys, but they shall smart for this yere, And that flatering Hutton, and dronken Pacy & false towne-clerke.† Also the knavys do loke for the suttyll Recorder, but when he come if he do not holde w^t the trew worde of god, my lorde pryvy seale shall bydd hym walke lyke a knave as he is. Therefore I do advyse yow, be ware and discharge the suretyes of the Reader by tyme: or els yow will repent hitt for he shall make as many as xx^ty of you if nede do requyre. Fare yow well all yow knavys all that do holde agaynst the same honest man the reader, for he doth regard the kyng of hevyn before the kyng of England. And thus fare yow well yow shall knowe more of my mynde when o^r byshopp come from London.

"Yo^r lovyer and frende Thomas Abynton in all haste from Rome the x^th day of January."

The third letter is addressed to Thomas Sylke, Vicar of St Leonards; and as the writer demands that the reader should be set free before the bishop was informed of his detention, it was probably the first written.

"To the stynkyng knave Sylke, Vykar of saynt Leonardes.

"Thow stynkyng knave, I cast in a letter of late into thy chamber to delyver to the lying knave Thomas or Richard Abyngton, but thow, lyke a knave, must delyver the letter to that knave Thomas Whyte. Be sure thow shalt lese one day one of thy eares, & that ere it be myddell lent sonday. Remembre my sayng, I do write unto yow after a charitable maner that yow may delyver the reader ere the Byshoppe do knowe of it. For when he do heare of it he will ruffyll amonges yow for it. The knave Shrevys be

* One of these two apothecaries was David Harris. He was sheriff in 1539, and mayor in 1551. When Richard Sharp was suffering at the stake for heresy, in 1557, he was encouraged by one Thomas Hale, a shoemaker. This act so enraged Alderman Harris that he had Hale seized in his bed, and committed to Newgate; he was afterwards condemned and burned. When Queen Elizabeth visited Bristol in 1573, David Harris was ejected from the office of alderman. The other "poticary" was probably a relative.

† The town clerk was John Colys.

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a greate occasion of the same pore man the readers trowble, and specially that knave Harrye, the potecary. There is a nother knave Harrys * in towne, & that a pryvy and wily knave as ever lyved, crafty and suttyll, and a greate enemy to the worde of god: but when the Byshoppe do come, he shall handle hym in his kynde; thowgh that the same knave Nicoll Thorne † do faver hym, he shall not helpe hym, nother that ypocrite his wife also. O yow hard-harted knavys that will not faver the worde of god, when such a faithfull yong man dyd take paynes to reade the trew worde of god and yow to trowble hym for his labor. May not yow be sory? yes trewly. And if yow had not delyvered hym owt of pryson the rather, he shold have come owt spyte of yor teth; like knavys as yow be all discharge his suretys, I will advise yow. Say not but yow have warning. For if the Poyntmakers ‡ do ryse, some of yow will lese theyre eares and that shortly. I understande yow will do no thing tyll the knave Recorder do come. I do not mene my good lord pryvy seale. I do not call hym knave; but I call Davy Broke § knave and gorbely knave, and that droncken Gervys,‖ that lubber Antony Payne,¶ & slovyn William Yong,** and that dobyll knave William Chester.†† For sometymes he is w. us and sometymes w. the knaves, but he shalbe a long knave for it, & his wife a folishe drabbe for she is the enemy of goddes worde. Fare yow well for his tyme, yor loving frende the goodman parson of saynt Stevyns, in Bedmyster, besydes the kynges towne of Faterford, commende me to all the knave preistes that be the enemys of goddes worde. For if we lyve & the byshoppe together, they shall not trowble this towne except the kynge do fayle us. For the knavys have no lerning nor none will lerne. Yet onys again fare yow well.

"By yor lovyer David Harrys, poticary, & that scalde knave William Fay, from the port of saynt Mary.

"Commende me to that grynnyng knave the false towne clerke,

* Rector of the grammar school. † Nicholas Thorn.

‡ The pointmakers were a flourishing guild at Bristol.

§ David Broke was mayor of the city in 1527. ‖ Gervys was sheriff in 1526.

¶ Antony Payne was sheriff in 1534. ** William Yong was mayor in 1540.

†† William Chester was mayor in 1538. In the following year he obtained a grant of the site of the Blackfriars monastery. When in May 1549 there was an insurrection in the city, under Pykes' mayoralty, he appeared for the malcontents, and obtained a pardon for them from Edward VI.

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he shall repent other thinges, yow knowe what I meane. Commende me to old folishe Sprynge,* & to the angry Pykes,† w. dyvers other which do not come to my mynde now, but another tyme beware mo of yow."

Having, by burning his faggot, escaped death as the result of his evangelical labours at Bristol, Wishart proceeded to the Continent. According to Bishop Lesley, his contemporary, "he remained long in Germany."‡ In defending himself during his trial at St Andrews he referred to his having sailed on the Rhine; and as he translated into English the first Confession of the Helvetian Churches, it is probable that he visited Switzerland. In 1542 he returned to Cambridge, and there sought employment as a tutor. Respecting this portion of his career, we obtain the following particulars in a communication made to Foxe, the martyrologist, by Emery Tylney, one of his pupils:

"About the yeare of our Lord, a thousand, five hundreth, fortie and three, there was, in the universitie of Cambridge, one Maister George Wischart, commonly called Maister George of Bennet's Colledge, who was a man of tall stature, polde headed, and on the same a French cap of the best. Judged of melancholye complexion by his phsiognomie, blacke haired, long bearded, comely of personage, well spoken after his country of Scotland, courteous, lowly, lovely, glad to teach, desirous to learne, and was well trauelled, hauing on him for his habit or clothing, neuer but a mantell frise gowne to the shoes, a blacke Millian fustain dublet, and plaine blacke hosen, course new canuasse for his shirtes, and white falling bandes and cuffes at the handes. All the which apparell, he gaue to the poore, some weekly, some monethly, some quarterly as hee liked, sauing his Frenche cappe, which hee kept the whole yeare of my beeing with him. Hee was a man modest, temperate, fearing God, hating couetousnesse, for his charitie had neuer ende, nighte, morne, nor daye, hee forbare one meale in three, one day in foure for the most part, except something to comfort nature. Hee lay hard upon a pouffe of

* Mayor in 1540. † Sheriff in 1533.

‡ Lesley's History of Scotland, Edin., 1838, p. 191.

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straw, course new canuasse sheetes, which, when he change, he gaue away. He had commonly by his bedside a tubbe of water, in the which (his people being in bed, the candle put out, and all quiet) hee used to bathe himselfe, as I being very yong, being assured offen heard him, and in one light night discerned him; hee loved me tenderly, and I him, for my age, as effectually. Hee taught with great modestie and grauitie, so that some of his people thought him seuere, and would haue slain him, but the Lord was his defence. And hee, after due correction for their malice, by good exhortation amended them, and hee went his way. O that the Lord had left him to mee his poore boy, that he might haue finished that hee had begunne! For in his Religion hee was as you see heere in the rest of his life, when he went into Scotland with diuers of the Nobilitie, that came for a treaty to King Henry the eight. His learning was no less sufficient, than his desire, alwayes prest and readie to do good in that hee was able both in the house priuately, and in the schoole publickely, professing and reading diuers authours.

"If I should declare his love to mee and all men, his charitie to the poore, in giuing, relieuing, caring, helping, prouiding, yea infinitely studying how to do good unto all, and hurt to none, I should sooner want words than just cause to commend him.

"All this I testifie with my whole heart and trueth of this godly man. Hee that made all, gouerneth all, and shall judge all, knoweth I speake the truthe, that the simple may be satisfied, the arrogant confounded, the hypocrite disclosed. EMERY TYLNEY." *

To complete the long-pending negotiations with the English Government for the marriage of Edward Prince of Wales with the infant Queen Mary, commissioners from Scotland proceeded to London in June 1543. These commissioners were the Earl of Glencairn, Sir George Douglas, Sir William Hamilton of Sanquhar, James Learmont of Balcomie, and Henry Balnaves. They met the English commissioners at Greenwich on the 1st of July, when the marriage treaty was settled, and certain differences between the countries amicably adjusted.† When the commissioners left Scot-

* Foxe's Acts and Monuments, ed. 1596, p. 1155.

† Rymer's Fœdera, vol. xiv., pp. 786-791.

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land, the governor Arran, then a professor of the Reformed faith, was at variance with Cardinal Beaton; and as no reconciliation between them seemed probable, Learmont of Balcomie regarded the season as especially suitable for his relative leaving Cambridge and returning to the north. Accepting his counsel, Wishart joined the commissioners, and accompanied them to Scotland, which they reached before the 31st of July.*

Wishart intended at once to enter upon the duties of an evangelist. But the altered condition of public affairs rendered such a proceeding absolutely dangerous. Beaton had regained his authority, and the weak governor, in becoming reconciled to him, evidenced a desire to perpetuate his friendship by publicly abjuring the Reformed faith.

Amidst the perils of the time, Wishart found a retreat in his native home, the mansion of Pitarrow.† There he remained from July 1543 till the spring of 1545, dividing his time between the study of theology and the cultivation of the arts. When the old mansion of Pitarrow was being demolished in 1802,‡ the workmen laid open, under the wainscoting which covered the walls of the great hall, a series of well executed paintings.

These paintings were in bright colours. One over the fireplace represented the Pope on horseback, attended by a company of cardinals, uncovered. In front stood a white palfrey, richly caparisoned, held by a person in elegant apparel. Beyond was the Cathedral of St Peter, of which the doors were open, as if to receive the procession. Under the painting were these lines:

* Sadler's State Papers, vol. i., pp. 235, 242-245. Knox, who mentions Wishart's return to Scotland with the commissioners, erroneously states that the event took place in 1544 (Knox's History, ed. 1846, vol. i., p. 102).

† Pitarrow is situated in a rural district, fifteen miles from Montrose, on the east coast of Forfarshire.

‡ Dr George Cook's History of the Scottish Reformation, vol. i., p. 272; New Statistical Account, Kincardineshire, p. 81.

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"*In Papam.*

"Laus tua non tua fraus: virtus, non gloria rerum
Scandere te fecit hoc decus eximium.
Dat sua pauperibus gratis nec munera curat
Curia Papalis quod more percipimus.
Hæc carmina potuis legenda cancros imitando."

Literally rendered, the inscription reads:

"Thy merit, not thy craft; thy worth, not thy ambition, raised thee to this pitch of eminence. The Papal Curia, as we well know, gives freely to the poor, nor grudges its gifts."

But as the writer informs us his verses are to be read by imitating crabs—that is, backwards—a very different meaning is derived—thus:

"The Papal Curia, as we well know, grudges its gifts, nor bestows on the poor freely. To this pitch of eminence thy ambition raised thee, not thy worth; thy craft, not thy merit."

Knox writes: "Wishart excelled in all human science."* During his first residence in Germany he may have acquired the art of painting, and he might have studied under Holbein. The brilliancy of colour apparent in the Pitarrow paintings would certainly assign them to an artist of the German school. To the narrative of Wishart's character, supplied to Foxe, Tylney adds these lines, which he styles:

"Dogmata ejusdem Georgii.

"Fides sola sine operibus justificat;
Opera ostendunt et ostentant fidem;
Romana ecclesia putativé caput mundi,
Lex canonica caput Papæ,
Missæ ministerium, mysterium iniquitatis."†

There is here, as in the lines on the painting at Pitarrow, a double meaning. This bipartite arrangement is intended:

* Knox's History, ed. 1846, vol. i., p. 125.
† Foxe's Acts and Monuments, ed. 1596, p. 1155.

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" Fides sola	sine operibus justificat
Opera ostendunt et ostentant .	fidem
Romana ecclesia	putativé caput mundi
Lex canonica	caput Papæ
Missæ ministerium	mysterium iniquitatis."

In the first division, Rome asserts: "This is the one faith. The Roman Church, the canon law, the service of the mass, prove and show good works." In the other, the preacher presents his confession: "Papal supremacy, that mystery of iniquity, which thinks itself the head of the world, justifies faith without works."

It would be rash to affirm that a similarity of manner and sentiment, striking as it certainly is, proves that the *dogmata* and the Pitarrow inscription proceeded from the same pen. But the assertion will be allowed, that George Wishart, who wrote the *dogmata*, translated the Helvetian Confession, and died in testimony of his hatred of Romish error, might have composed an inscription in his paternal mansion which condemned the Papacy. Such an inscription he was more likely to compose than any other member of his House whose history is known. And if he inscribed his ancestral hall with his pen, may he not likewise have adorned it with his brush? Who more likely to illustrate a painting than the painter himself? The paintings at Pitarrow were executed on the plastered wall; the wainscoting which afterwards concealed them was introduced subsequent to Wishart's period.

Tired of his prolonged seclusion at Pitarrow, Wishart determined to resume his duties as an evangelist. In reading the Scriptures to the people in their native tongue, he had the authority of the State,* and being in reader's orders, he possessed as an instructor the sanction of the Church. Renting a house at Montrose, the "next unto the church except one,"† he there read and explained the Scriptures to all who

* An Act of the Estates was proclaimed on the 19th March 1543, declaring that it should be lawful for all men to read the Old and New Testaments in the mother tongue, and providing that "no man preach to the contrary upon pain of death."

† Knox's History, ed. 1846, vol. i., p. 125; Petrie's History of the Catholick Church, Hague, 1662, folio, p. 182.

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came. After a time he removed to Dundee, where he publicly read and expounded the Epistle to the Romans. His prelections, conducted within eleven miles of the Castle of St. Andrews, could not long escape the notice of Cardinal Beaton, who, since his reconciliation with the governor, possessed an authority nearly absolute. The cardinal might not prevent the reading of the Scriptures; he might not close, save on a specific charge, a mouth opened by the Church. But one who is disposed to persecute may readily find excuse to justify his interference. Charging Wishart with convoking the lieges without the royal sanction, he procured from the queen regent and the governor a proclamation, calling on him to desist. By one Robert Mill, a magistrate of Dundee, who had professed the Reformed doctrines, but had lately abjured them, the proclamation was handed to the preacher as he conducted service. "He remained," writes Knox, "a little space with his eyes bent towards heaven, and thereafter looking sorrowfully to the speaker and the people, said: God is witness that I never intended your trouble but your comfort. Yea, your trouble is more dolorous to me than it is to yourselves. But I am assured that to refuse God's Word, and to chase from you His messengers, shall not preserve you from trouble, but it shall bring you into it. For God shall send to you messengers who will not be afraid of horning* nor yet banishment. I have offered unto you the Word of Salvation, and with the hazard of my life I have remained among you. Now ye yourselves refuse me, and therefore must I leave my innocence to be declared by God. If it be long prosperous with you, I am not led by the Spirit of Truth; but if unlooked-for trouble apprehend you, acknowledge the cause and turn to God, for He is merciful."†

Among those present when Mill served the proclamation was the Earl Marischal,‡ who entreated the preacher to dis-

* Putting to the horn, *i.e.*, being denounced a rebel. This menace would, as matter of course, be contained in the proclamation.

† Knox's History, Edin., 1846, vol. i., pp. 125, 126.

‡ By Sir Ralph Sadler, in a report to Henry VIII., dated 27th March 1543, the

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regard it, or to accompany him to the north and there prosecute his ministry. But Wishart had promised to the Earl of Glencairn* that he would next preach in Ayrshire, and he proceeded thither at once.

Ayrshire was included in the see of Glasgow, and Gavin Dunbar, the archbishop, was determined to check in his diocese the spread of heretical opinions. Informed that Wishart was preaching in Ayr, he went there with a body of attendants, and took possession of the church. Lord Glencairn and George Crawfurd of Loch Norris,† attended by their vassals, also proceeded thither to defend the preacher. But Wishart discommended violence. He invited the people to accompany him to the market cross, where, writes Knox, "he made so notable a sermon that his very enemies themselves were confounded." Dunbar preached in the parish church which he had usurped. Inexpert in public teaching, he commended his office, and promised a more edifying discourse on his return.‡

Wishart prosecuted his labours chiefly in the district of Kyle. For a time he occupied the parish church of Galston, under the protection of John Lockhart of Barr, a Protestant landowner.§ Invited to preach at Mauchline, an adjoining parish, he consented; but the use of the church was resisted on the plea that an elegant shrine preserved in it might be

Earl Marischal is described as "a goodly young gentleman, well given to his Majesty." He was very friendly to the Reformation. During the civil wars in the reign of Queen Mary he shut himself in his Castle of Dunottar, and consequently became known as William of the Tower. He died about the year 1581 (Sadler's State Papers, vol. i., p. 126).

* William Cunningham, fourth Earl of Glencairn, was in 1526 appointed Lord High Treasurer. He early attached himself to the Reformers, and bore a conspicuous part in their early struggles; he died in 1547. His son Alexander, fifth earl, is historically known as "the good earl."

† Now called Dumfries House, a seat of the Marquess of Bute.

‡ Knox's History, Edin., 1846, vol. i., p. 127.

§ John Lockhart of Barr is, in a legal instrument dated Glasgow, 20th November 1510, nominated procurator and assignee of Mr Patrick Shaw, Vicar of Monktown, about to set out for Rome. He is noticed in the rental book of the diocese of Glasgow in 1553 (Diocesan Registers of Glasgow, vol. i., p. 151; vol. ii. p. 381).

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injured by the populace. Among the opposers were George Campbell of Monkgarswood, Mungo Campbell of Brounside, and George Read of Tempilland. At their instance, Sir Hugh Campbell of Loudoun, sheriff of the county, prohibited the use of the church, and caused the doors to be watched by a civic guard. This procedure was obnoxious to an influential landowner, Hew Campbell of Kinzeancleugh,* who, with his friends and followers, sought to overpower the guard and enter the edifice by force. Wishart dissuaded Campbell from exciting public strife. "Brother," said he, "Christ Jesus is as potent in the fields as in the kirk. He himself oftener preached on the mountain, in the desert, and at the seaside, than in the temple. God sends by me the Word of Peace, and the blood of no man must be shed this day for the preaching of it." Having calmed his friend's vehemence, Wishart proceeded to a meadow, and there from a stone fence preached to an eager crowd. His discourse lasted three hours. It was attended by the conversion of Laurence Rankin, the laird of Sheill, a man whose corrupt life had been notorious.†

Under the protection of the Earls of Cassilis‡ and Glencairn, and others, Wishart had preached in Ayrshire about four weeks, when he was recalled to Dundee. A terrible epidemic had broken out in the place four days§ after his departure, and his return was urgently entreated. A contemporary chronicler informs us that in August 1545 a fatal pestilence visited all the burghs of Scotland.‖ In that month it is probable Wishart returned to Dundee. His departure from Kyle grieved many who had become attached to his ministry. To

* Hew Campbell of Kinzeancleugh was a cadet of the House of Loudoun. His son, Robert Campbell of Kinzeancleugh, was a zealous friend of John Knox and a devoted promoter of the Reformation.

† Knox's History, edit. 1846, vol. i., p. 128.

‡ Gilbert Kennedy, third Earl of Cassilis, was taken prisoner at the battle of Solway, and consequently became known to Henry VIII., who held him in high esteem. He was a vigorous upholder of the Protestant cause.

§ Spottiswoode's History of the Church of Scotland, Edin., 1851, 8vo, vol. i., p. 151.

‖ Diurnal of Occurrents, Maitland Club, p. 39.

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their entreaties that he would remain among them, he replied that his former hearers "were in trouble and needed comfort;" he added: "Perhaps the hand of God will cause them now to revere that Word which formerly, through fear of man, they lightly esteemed."*

At Dundee, on his return, Wishart excited a deep interest. Those who remembered his words when the apostate Mill interrupted his preaching, hoped that the pestilence which had followed so closely his departure might be arrested on his return. He was urged to resume his public ministrations, but as those who attended the sick or exhibited symptoms of ailment were carefully avoided, there was difficulty in arranging matters. Wishart proposed to preach from the East Port, the sick and suspected being accommodated without, and those in health within the walls.† The proposal was accepted, and the preacher discoursed from the 20th verse of the 107th Psalm: "He sent His Word and healed them." He set forth the blessed nature of Holy Scripture, and the comfort which it brought to the bereaved. Afflictive dispensations, he remarked, conduced to humility and repentance. The Divine mercy, he said, was alike manifest in seasons of adversity and sickness as in times of prosperity and health. Affliction was a great teacher, and God frequently removed His friends from troubles which were to come. The preacher enjoined a faithful attendance on the sick, and exhorted that prayer should accompany the means used for their recovery. The hearers were deeply moved, and retired with expressions of thankfulness.‡

At Dundee Wishart preached frequently, and also waited upon the sick. His proceedings were again reported to the cardinal, who now had recourse to an assassin. John Wighton, a priest belonging to Dundee, undertook to destroy the

* Knox's History, edit. 1846, vol. i., p. 129.

† At this time the town of Dundee was surrounded by a double wall, with ports or gates, which were removed about the end of the eighteenth century, except the East Gate, or Cowgate Port, which, out of respect to Wishart's memory, has been preserved.

‡ Knox's Works, edit. 1846, vol. i., p. 130.

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preacher. Armed with a dagger, he entered the place of worship in which Wishart was discoursing, and, concealing himself behind the pulpit, waited his descent. Happily, Wishart remarked his presence, and before he had time to strike, seized him fast. "What would you do, my friend?" said the preacher, calmly. Dreading instant death, Wighton threw himself on his knees and entreated mercy. The congregation had retired, but a few persons who remained behind gave the alarm, and a crowd burst upon the scene. "Let us smite the traitor!" shouted a multitude of voices. Wishart remarked that he was unhurt, and begged that the aggressor might be spared. "He who touches him will trouble me," he said earnestly. He then improved the occasion by pointing out the perils which attend the Christian in his pilgrimage, and after duly exhorting his intended murderer, secured his retreat.*

Wishart remained in Dundee till the pestilence had ceased. From Lords Cassilis and Glencairn he received letters intimating that a provincial Synod of the Church was to meet at Edinburgh on the 13th January, and promising him a public audience on the occasion. He was pleased with this proposal, and agreeing to be at Edinburgh in January, remarked that having "finished one battle he was ready for another." Meanwhile he proceeded to Montrose, where he occasionally preached.

Having failed to silence the preacher by the dagger of the assassin, Beaton devised a stratagem for his arrest. At Montrose Wishart was waited upon by a jaded messenger, who thrust a letter into his hand. The letter bore that his friend John Kinnear of Kinnear, in Fife,† lay dangerously sick, and desired to see him at once. Moved by affection, Wishart mounted a led horse brought by the messenger, and in the company of a few friends proceeded on his journey. Having passed the outskirts of the town, he remarked to his com-

* Knox's Works, edit. 1846, vol. i., p. 131.

† John Kynnear of Kynnear in the parish of Kilmany, Fifeshire, was, on the 30th July 1543, served heir to his father, David Kynnear *de eodem*, in the lands and barony of Kynnear (Inq. Spec., Fife, No. 2).

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panions that he began to suspect treachery. Some of his attendants riding forward discovered, at a retired and sheltered spot, a troop of about sixty horsemen, evidently waiting an arrival. The preacher and his friends returned to Montrose.*

About the end of November Wishart proposed to leave Montrose for Edinburgh. By his early friend, John Erskine of Dun, he was urged to remain in retirement, but he remarked that he could not break his promise. Having reached Dundee, he was from thence conducted to Invergowrie, a hamlet in the vicinity, where he was entertained at the house of James Watson, one of his converts. Knox relates an anecdote in connection with this visit. The preacher rose during the night, and proceeding to a secluded portion of the garden, there expressed himself as if in pain, and afterwards knelt down and engaged in prayer. Two members of the household, who chanced to be awake, observed his procedure, and followed him unseen. Informing him next morning that they had remarked his vigil, they begged an explanation. He answered that he believed his life would be a short one. Knox regards this occurrence as evidence that the preacher was supernaturally informed of his approaching martyrdom. Such a view was not unnatural in times of superstition. But Wishart's act is easily explained. He evidently suffered from an imperfect circulation, which, as in the case of the Scottish poet, Robert Burns, induced at night strong fever, or unnatural warmth. Tylney relates that at Cambridge he had "commonly by his bedside a tub of water, in the which, his people being in bed, the candle put out, and all quiet, he used to bathe himself." It was, doubtless, while suffering from a feverish attack to which he was subject that he sought relief in the coolness of the garden. These attacks becoming probably more frequent and severe, led him to say to those who rashly questioned him, that he feared his life would not be prolonged.

From Invergowrie Wishart proceeded to Perth, then desig-

* Knox's History, ed. 1846, vol. i., p. 132.

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nated St Johnstone. He adopted this circuitous route to Edinburgh in order to avoid the nearer but more dangerous road through the eastern district of Fife, where the cardinal maintained a nearly absolute jurisdiction. Travelling from Perth by way of Kinross, he reached the ferry at Kinghorn, and thence crossed the Forth to Leith, the port of Edinburgh. It was the beginning of December, and he expected that the Earls of Cassilis and Glencairn would be in the capital awaiting his arrival. As they had not come, he was by friendly persons advised to remain in temporary concealment. He acquiesced, but soon complained of the restraint. "Wherein do I differ from one dead," he exclaimed, "except that I eat and drink? Hitherto God has accepted my labours for the instruction of the ignorant and the exposure of error. Now I lurk in secret as one who is ashamed." Entreating that he might be permitted to resume his ministry, arrangements were made accordingly. On the second Sunday of December he preached at Leith, selecting as his subject the Parable of the Sower. The boldness of his teaching increased the alarm of his friends, who, believing a report that the governor and the cardinal were to be in Edinburgh shortly, begged that he would quit so dangerous a vicinity.*

At this period Wishart was introduced to three conspicuous opponents of the Romish Church, Alexander Crichton of Brunstone, Hugh Douglas of Longniddry, and John Cockburn of Ormiston. Subsequent to his public appearance at Leith, these persons entertained him at their houses, and instituted arrangements for his safety. Intimately associated with him, as they became, during the last and most eventful period of his ministry, they severally claim particular notice. Crichton of Brunstone had hitherto been a supporter of the Reformed cause, rather from hostility to Beaton than from any absolute conviction. His policy had been singularly vacillating. In 1539 he was, as one of his confidential friends, despatched by Cardinal Beaton

* Knox's History, ed. 1846, vol. i., p. 134.

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with letters to the court of Rome. Having quarrelled with the cardinal, he attached himself to Arran,* who employed him on diplomatic missions to France and England.† But renouncing the governor's favour, he made himself known to Sir Ralph Sadler, through whom he was recommended to the English court. The history of his negotiations with Henry VIII. for the destruction of the cardinal will be detailed afterwards. But it is worthy of remark that subsequent to his intercourse with Wishart his name no longer appears on the list of conspirators. His latter history may be related briefly. In 1548 he was forfeited and escaped from Scotland. He died before the 5th December 1558, as on that day the process of forfeiture against him was reduced by the Scottish Parliament at the instance of John Crichton, who is described as "eldest lawful son and heir of umquhile Alexander Creichton of Brunstane." ‡

Hugh Douglas of Longniddry was a man of firm principle and strong faith. A scion of the House of Douglas of Dalkeith, he was an early promoter of the Reformed doctrines. Under his roof John Knox, after renouncing his priestly office at Haddington, obtained employment and shelter as tutor to his sons, Francis and George.§ Knox had resided with Douglas about eighteen months prior to Wishart's visit, and it is probable that his recommendation of the stranger tended towards his favourable reception by the Reformers of Haddingtonshire. Of the personal history of Hugh Douglas, apart from his support of Knox and Wishart, not much is known. His

* Sadler's State Papers, pp. 25, 185, 280.

† On the 8th November 1545, there was paid "be my Lord Gouernouis speciall command to the Laird of Brounstoun in support of his expenses maid in tyme of his being in Ingland lauborand for redres of certane Scottis schippis tane be the Inglische men, &c., 44 lib." (Treasurers' Accounts).

‡ Acta Parl. Scot., vol. ii., p. 520.

§ John Knox was born at Haddington and educated under the learned Mair at the University of Glasgow. In the protocol books of Haddington his name occurs in 1540, 1541, and 1542, under the style of "Schir John Knox," the designation of priests who had not attained the academical rank of master. A notarial instrument of assignment, dated 27th March 1543, bears his subscription as "Minister of the sacred altar and apostolic notary."

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son, Francis Douglas of Longniddry, in a deed of ratification, dated 19th April 1567, is named as third in the line of succession to James, Earl of Morton, failing his male issue.* By Sir George Douglas, a descendant of the House, that portion of the lands of Longniddry which belonged to his family was, in 1650, sold to the Earl of Winton, who also acquired the other portion. The estates of the Earl of Winton, having been forfeited in 1715, were purchased by the York Building Company, by whom they were sold in 1779 to John Glassel, a surgeon, who acquired a fortune by trading in Virginia. His only child became Duchess of Argyll. By her son, the present Duke of Argyll, the lands of Longniddry were sold to the Earl of Wemyss, who guards with pious care an aged tree under which Knox preached. A circular mound covers the foundations of the ancient mansion.

John Cockburn of Ormiston, another upholder of Wishart's ministry, was descended from the ancient House of Cockburn of that ilk, and was hereditary Constable of Haddington. One of Knox's earlier converts, he remained through life his attached and earnest friend. Chiefly on account of the support which he extended to Wishart he sustained severe persecution. By the Regent Arran and Archbishop Hamilton of St Andrews, he was, in 1548, forfeited and banished; but he obtained his freedom by consenting to underlie the law. Knox, when detained in France, transmitted to his care Balnaves' "Treatise on Justification," which was found at Longniddry long afterwards.† In October 1559 he received at Berwick, from Sir Ralph Sadler and Sir James Crofts, £1000 sterling for the benefit of the poor who professed the Reformed faith: also, two hundred crowns (£63, 6s. 8d.) for his own use. Of the entire treasure he was deprived by the Earl of Bothwell and his retainers on his homeward journey. Cockburn's wife, Alison, daughter of Sir James Sandilands of Calder, was also a zealous supporter of the Reformed doctrines.

Under the protection of these three landowners, Wishart con-

* Acta Parl. Scot., vol. ii., p. 546.

† Three Scottish Reformers, Edin., 1874, p. 20.

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ducted Divine service in the parish church of Inveresk, near Musselburgh, both in the morning and afternoon of the Sunday succeeding that on which he had preached at Leith. In connection with these services, Knox relates two incidents. As the people assembled for worship, two friars from the chapel of Loretto, at Musselburgh,* stood at the entrance of the church and whispered to those who entered. Remarking their procedure, Wishart invited them to enter. "Come in," he said, "and you shall hear the Word of Truth, which, according as you receive it, will prove to you a savour of life or of death." The friars still lingered at the door, and as the preacher denounced idolatrous worship, they again sought to divert the attention of those who stood near. Turning towards the scoffers, he exclaimed, "How long will you dare to deceive men's souls? You reject the truth yourselves, and would prevent others from embracing it. God will surely expose your hypocrisy and confound your malice."†

The other incident was of a more hopeful character. At the close of the afternoon's service, Sir George Douglas, brother of the Earl of Angus, stood up, and, in the hearing of the congregation, said, "I know that my Lord Governor and the cardinal will hear that I have been present at these services. I shall make no denial, and I will fearlessly defend the preacher and uphold his doctrines."‡

* Knox describes the loungers as two Grey Friars. The members of the chapel of Loretto were so designated, though not strictly entitled to the appellative. The chapel at Loretto, or Alareit, near Musselburgh, was founded in 1533, by Thomas Douchtie, and by him dedicated to the Virgin. Within the building, Douchtie and his successors professed to work miracles. In 1536, James V. made a pilgrimage to the chapel from Stirling, after being driven back by a storm on his first voyage to France to bring home his queen. A political pasquinade, at the expense of Douchtie and his brethren, the Grey Friars, was composed by Alexander Cunningham, fifth Earl of Glencairn. In this composition he names a Friar Laing, who, very probably, was one of those associated with the incident at Inveresk (Three Scottish Reformers, pp. 12-16).

† Knox's History, edit. 1846, vol. i., p. 135.

‡ Sir George Douglas of Pittendreich was an especial favourite of Henry VIII. In his society, when acting as one of the Scottish Commissioners, Wishart returned to Scotland. Appointed a Privy Councillor in March 1543, he was forfeited by the Catholic party for alleged treason, but was assoilzied in Decem-

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As the governor and cardinal were now in Edinburgh, only a few miles distant, Wishart was, for greater safety, conducted to the mansion of Longniddry. There he had an opportunity of communing with Knox, who, deeply interested in his missionary labours, became his companion from place to place, armed with a two-handed sword.*

The mansion of Longniddry was situated in the parish of Gladsmuir, within four miles of the considerable village of Tranent. At Tranent Wishart preached to large assemblies on two consecutive Sundays. Attended by Knox, he proceeded to the town of Haddington on the 14th January 1545-6. There he was entertained by David Forrest, a respectable burgess who had embraced the Reformed doctrines. In dread of persecution, Forrest afterwards sought shelter in England.† He was, by the General Assembly of December 1560, nominated as one "apt and able to minister;" but though the request that he would enter the ministry was more than once renewed, he preferred to remain a layman. Latterly he was appointed General of the Mint.‡

Wishart preached at Haddington two days in succession. Knox expected he would have large audiences, but was disappointed. At the first morning service a considerable number were present, but at the afternoon service, and the morning service of the second day, the attendance was "slender." The people, it was found, were unwilling to offend the Earl of Bothwell, who held lands in the neighbourhood, and was known to be in alliance with the cardinal. At the close of the first day's service, Wishart was entertained at the seat of Sir Richard Maitland of Lethington, father of William Maitland, the well-known statesman. Sir Richard was an industrious scholar, and without committing himself to the

ber 1544. He was constituted an Extraordinary Lord of Session in 1549. David, his eldest son, became seventh Earl of Angus; and his second son, James, was Earl of Morton and Regent of Scotland (Hay's Senators of the College of Justice, Edin., 1832, p. 94).

* Knox's History, edit. 1846, vol. i., p. 136.

† Sadler's Letters, vol. i., p. 585.

‡ Knox's Works, edit. 1846, vol. i., p. 563, note by Mr David Laing.

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new opinions, was favourable to inquiry.* As on the second morning he was making preparations for service, Wishart received a letter from the Lords Cassilis and Glencairn, intimating that they were unable to meet him at Edinburgh. Apprehending that they had become indifferent to the Reformed cause, he was deeply moved, and remarked "that he was weary of the world since men were weary of God." Unable to afford him any substantial comfort, Knox begged that he would not disqualify himself for present duties.

After walking about half-an-hour before the high altar, Wishart ascended the pulpit. Perceiving that few were present, he said, "Lord, how long shall it be that Thy healing Word shall be despised, and men shall not regard their own salvation? I have heard of thee, O Haddington! that thou would'st send to the foolish Clerk Plays two or three thousand persons; but of those in thy town and parish, not one hundred will assemble to hear the message of the eternal God." After some severe and pointed warnings, he proceeded with an exposition of the Second Table of the Law, and an exhortation to patience.† It had been arranged that Wishart should, in the evening, repair to Ormiston, the seat of his friend Cockburn. Before leaving Haddington he had a solemn parting with Douglas of Longniddry, and John Knox. As Knox expressed a desire to continue his attendant, he strictly forbade him. Relieving him of his two-handed sword, he said to him, "Return to your bairns,‡ and God bless you: one is sufficient for a sacrifice." The Reformers did not again meet. In his journey to Ormiston, Wishart was accompanied by John Cockburn, his host; John Sandilands, younger of Calder,

* Sir Richard Maitland of Lethington held office under James V., Mary of Guise, Queen Mary, and James VI. He was knighted in 1551 on being appointed an Extraordinary Lord of Session. His "Collection of Early Scottish Poetry" is a work of great value. Poems of his own composition are printed by the Maitland Club. He died on the 20th March 1586 at the age of ninety.

† Knox's History, edit. 1846, vol. i., pp. 136-138.

‡ Children or pupils.

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Cockburn's brother-in-law;* and Crichton of Brunstone.† Having reached Ormiston, the friends supped together; and thereafter Wishart discoursed respecting the death of God's chosen servants, concluding the evening's devotions by singing a metrical version of the 51st Psalm.‡ Wishing his friends refreshing rest, he retired to his apartment.

The Provincial Synod met at Edinburgh on the 13th January, but Beaton at once adjourned it till after Easter, promising to those assembled, that in the interval he would put to silence a heretic who was giving him much concern by disturbing the Church. Obtaining the co-operation of the Earl of Bothwell, as Sheriff of Haddingtonshire, he accompanied that nobleman to Elphinstone Tower at the head of five hundred men.§ The preacher's arrival at Ormiston being duly reported, Bothwell resolved to gratify the cardinal by effecting his capture. At midnight the house of Ormiston was surrounded by troops, while Cockburn and his guests were summoned to a surrender. To Cockburn, Bothwell volunteered the promise, that should Wishart be delivered into his hands, he would become personal surety for his safety, even against the power of the cardinal himself.

Informed that he was sought for, Wishart said meekly, "Let the will of the Lord be done." He addressed Bothwell in these words: "I thank God that one so honourable as your lordship receives me this night, being assured that, having

* John Sandilands was elder of the two sons of Sir James Sandilands of Calder. His younger brother was created Lord Torphichen. Knox resided in Calder House after his return to Scotland in 1555.

† Knox relates that on account of the keen frost, and the imperfect condition of the roads, the journey from Haddington to Ormiston was performed on foot. The distance was about six miles.

‡ Knox quotes the two opening lines:

"Have mercy on me now, good Lord,
After thy great mercy," etc.

A paraphrase of the psalm commencing with these lines is contained in the "Gude and Godlie Ballates," edited or composed by John and Robert Wedderburn, who were living at Dundee about the year 1540.

§ Diurnal of Occurrents, p. 41.

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pledged your honour, you will preserve me from injury without order of law. The law, I am not ignorant, is corrupt, and is used as a cloak under which to shed blood; but I less fear to die openly than to be slain in secret." "Not only," replied Bothwell, "shall I protect you from secret violence, but I shall shelter you from the designs both of the governor and cardinal. In my keeping you shall be secure till I restore you to freedom or bring you again to this place." Accepting this engagement, Cockburn offered the earl his bond of manrent in token of service.

Bothwell bore Wishart to Elphinstone Tower. Having secured so important a prisoner, the cardinal despatched to Ormiston James Hamilton of Stonehouse, Captain of Edinburgh Castle, to arrest the persons of John Cockburn, John Sandilands, and Crichton of Brunstone. Cockburn and Sandilands invited Hamilton and his followers to refreshment, and in the interval Crichton contrived to escape. Of the prisoners of the night, Wishart was confined in Elphinstone Tower, and Cockburn and Sandilands were sent to Edinburgh Castle.*

Ormiston House, where Wishart was captured, and which he is believed to have visited in the course of his previous ministrations, is now a ruin. Of the structure, a gable wall and some vaults only remain. Adjoining the gable is a flower-garden, containing a venerable yew, under which Wishart is said to have preached. The yew is of a remarkable size, the stem extending to a girth of seventeen feet and reaching a height of thirty-three. Within the adjoining chapel a monumental brass commemorates Alexander, eldest son of John Cockburn, Wishart's host—a favourite pupil of Knox. A youth of high promise, he died in August 1564, at the age of twenty-nine. His epitaph, composed by Buchanan, proceeds thus:

"Omnia quæ longa indulget mortalibus ætas,
Hæc tibi Alexander, prima juventa dedit,

* Knox's History, edit. 1846, vol. i., pp. 141, 142.

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Cum genere et forma generoso sanguine digna ;
Ingenium velox, ingenuumque animum.
Excoluit virtus animum, ingeniumque camenæ
Successu studio consilioque pari ;
His ducibus primum peragrata Britannia deinde ;
Gallia ad armiferos qua patet Helvetios ;
Doctus ibi linguas quas Roma, Sion, et Athenæ,
Quas cum Germano Gallia docta sonat
Te licet in prima rapuerunt fata juventa :
Non immaturo funere raptus obis,
Omnibus officiis vitæ qui functus obivit
Non fas hunc vitæ est de brevitate queri.
Hic conditur M^r^ Alexander Cockburn
primogenitus Joannis domini Ormiston
et Alisonæ Sandilands, ex preclara
familia Calder, qui natus 13 Januarii 1535
Post insignem linguarum professionem ;
Obiit anno ætatis suæ 28 calen. Sept^t^."

Sir John Cockburn, a younger brother of Knox's pupil, became a Lord of Session, and died in 1623. Other representatives of the family were distinguished as lawyers and statesmen. The barony of Ormiston now belongs to the Earl of Hopetoun.

From his confinement in Edinburgh Castle John Sandilands was liberated on granting the cardinal his bond of manrent.* Cockburn escaped by scaling the wall. In the Treasurer's book it appears that, on the 10th March 1546, John Paterson, pursuivant, received a fee of ten shillings for arresting "the gudes" of the Laird of Ormiston, and summoning him "to underly the law" at Edinburgh on the 13th April, "for resetting of Maister George Wishart, he being at the horne ;" also "for breking of the waird within the castell of Edinburgh."

As an important prisoner, Wishart was strictly guarded. Elphinstone Tower, his first prison, still remains a memorial alike of feudal dignity and ecclesiastical oppression. An oblong square keep, fifty-nine feet in length, it rises to a height of about eighty feet. The walls are from seven to twelve feet thick, and the several floors are supported on powerful arches. In the basement are the kitchen and servants' hall—

* Knox's History, edit. 1846, vol. i., p. 142.

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the baron's hall occupies the second floor, and the third contains two large sleeping-apartments and other chambers. Passages are constructed within the walls, to which light is admitted by arrow-slit windows. This keep was reared in the thirteenth century by John de Elphinstone, who owned the adjoining lands. In Wishart's time it belonged to a descendant of Johnstone of that ilk. John Ker, minister of Prestonpans, and stepson of John Knox, married a daughter of John Johnstone of Elphinstone. After several changes the tower and lands were acquired by an ancestor of the present Baron Elphinstone. Wishart was immured in a narrow chamber on the basement floor. His first jailer, Patrick, Earl of Bothwell, was only less cruel, crafty, and unscrupulous than his more notorious son, the murderer of Darnley. Succeeding to the earldom in early life, he proved so obnoxious to public order, that James V., after twice subjecting him to imprisonment, deprived him of his lands in Liddesdale, and banished him from the kingdom. In England he engaged in treasonable negotiations with Henry VIII. Returning to Scotland on the death of James V., he attached himself to Beaton. Sir Ralph Sadler, in May 1543, describes him as "the most vain and insolent man in the world, full of pride and folly."* Imprisoned for disorderly practices, he was liberated, after the battle of Pinkie, in September 1547. He latterly obtained shelter at the court of Edward VI., and in 1556 closed in exile a life of shame.

Bothwell's promise to protect his prisoner from the vengeance of his adversaries was soon exchanged for another of a very opposite character. Wishart was made prisoner on the 16th January,† and, on the 19th of the same month, Bothwell, at a meeting of the Privy Council, pledged himself to deliver his prisoner to the order of the governor. The proceedings of the council are recorded in these words:‡

* Sadler's State Papers, vol. i., p. 184.
† Diurnal of Occurrents, p. 41.
‡ Reg. Sec. Conc., fol. 25.

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"Apud Edinburgh presente domino gubernatore xix° Januarii anno Domini millesimo v^c xlv^to. Sederunt Cardinalis cancellarius, Episcopus Candide Case, Comes Bothuel—Abbates paslay culros, dominus Borthuik, Clericus Registri.

"The quhilk day in presens of my Lord Gouernour and Lordis of Counsel, Comperit Patrik Erle bothuel—and hes bundin and oblist him to deliuer Maister george Wischart to my Lord Gouernour or ony vtheris in his behalff, quham he will depute to ressaue him betuix this and the penult day of Januar instant inclusive, and sall kepe surelie and ansuer for him in the meyntyme vnder all the hiest pane and chairge that he may incur giff he falzies herintill."

Between his two promises Bothwell halted in a manner befitting his unstable and treacherous character. He conveyed his prisoner to Edinburgh; then, as if unwilling to violate his engagement, brought him back to Haddingtonshire, and placed him in his castle of Hailes.* There he proposed to hold him fast, but the queen regent promised to renew her favour, which had been withdrawn, and the cardinal offered money if he would place his prisoner in Edinburgh Castle. Bothwell at length complied.†

At Edinburgh Castle Wishart was kept a few days only. With the governor's sanction, he was removed by the cardinal to his castle of St Andrews, and there confined in the sea-tower. This terrible memorial of priestly tyranny remains entire. Situated at the north-west corner of the spacious quadrangle, which was enclosed by the other buildings of the stronghold, the walls of the sea-tower are of enormous thickness. Within is an arched chamber, about thirteen feet square. From the centre, pierced in the solid rock, a circular vault descends to a depth of twenty-seven feet, the upper diameter being seven, and the lower seventeen feet. In this loathsome pit were confined those who dared to oppose the canon law or resist the authority of the Church. Here John Roger, a black friar, was immured before his secret murder

* Hailes Castle occupies a retired spot on the banks of the Tyne, in the parish of Prestonkirk. It is now a ruin.

† Knox's History, ed. 1846, vol. i., p. 143.

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in 1544; and here George Wishart languished four weeks. Closely identified with the preacher's last days, the castle of St Andrews claims further notice. Reared in 1200 by Roger, Bishop of St Andrews, as his episcopal residence, it frequently changed hands during the War of Independence. Within it James I. received from Bishop Wardlaw his early education, James II. took counsel with the ingenious Bishop Kennedy, and James III. is supposed to have been born. During the primacy of Cardinal Beaton the castle was fitted to endure a siege.

Though Wishart was a prisoner in his castle, the cardinal encountered some difficulties in effecting his death. Friar John Roger had been secretly removed from the dungeon, and thrust headlong from the rock.* But George Wishart, as the scion of an ancient house, and an associate of several of the nobility, might not be summarily disposed of. The Church might condemn, but a fatal sentence could only be carried out on the authority of the governor. To the governor Beaton applied, desiring him to appoint a commission, with a criminal judge, to conduct the business of the trial. Unwilling to offend his powerful rival, Arran would have granted this request, but for the vigorous remonstrance of Sir David Hamilton of Preston, who pointed to the cardinal's ambition, and the unwarrantable character of his demand. Arran, accordingly, refused the commission, and expressed his desire that in the meantime all proceedings should be stopped.†

The cardinal had to encounter another difficulty. Gavin Dunbar, Archbishop of Glasgow, he well knew, regarded him with dislike, consequent on an extraordinary quarrel which had occurred between them eight months before. The circumstances of this dispute are peculiarly illustrative of that spirit of intolerance in Scottish churchmen which, with other errors, George Wishart condemned in his prelections and by his example. The cardinal happened to be in Glasgow when,

* Knox's History, ed. 1846, vol. i., p. 119.

† Lindsay of Pitscottie's History of Scotland, Edin., 1727, folio, p. 188.

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on the 4th June 1545, the Sieur Gabriel de Montgomery* arrived from France with auxiliary troops. In honour of the occasion a solemn procession was arranged in the cathedral church. As cardinal, *legatus natus*, and primate, Beaton asserted the right of precedence, while Dunbar argued that as archbishop of the diocese he was entitled to the priority. The quarrel was taken up by the cross-bearers of the rival prelates, who, at the door of the choir, engaged in open conflict. Both crosses were thrown down, and the vestments of the belligerents were torn and scattered. This quarrel between the cardinal and the archbishop, was, according to Knox, "judged mortal and without any hope of reconciliation."†

Had Archbishop Dunbar refused to attend the proposed convention at St Andrews, the cardinal might have failed to effect his purpose. He was, however, keenly desirous of upholding the Church by the destruction of heretics, and so, laying aside private feeling, he consented to take part in the approaching trial.

By the cardinal the bishops were invited to meet in his cathedral on the 28th of February. The day before, John Winram, the sub-prior, visited the prisoner and summoned him to his trial. "It is," said the preacher, "useless for the cardinal to summon one to attend his court who is wholly in his power. But observe your forms."

On the morning of the trial the bishops were ushered into the cathedral by the cardinal's retainers. An armed party fetched the prisoner, who, on entering the gate of the cathedral, threw his purse to a beggar, remarking that it would no

* James Montgomery de Lorges succeeded, in 1545, John Stuart, Count D'Aubigny, as captain of the Scottish guard in France. He died in 1560. Gabriel, his eldest son, mentioned in the text, obtained a painful notoriety from having mortally wounded in a tournament Henry II. of France, in June 1559. He retired to Normandy, and afterwards visited Italy and England. Subsequent to 1562 he acted as a commander of the Protestant party in the religious wars of France. He narrowly escaped destruction at the Massacre of St Bartholomew, and two years later, having invaded Normandy, he was taken prisoner, and executed on the 27th May 1574.

† Diurnal of Occurrents, p. 39; Knox's History, ed. 1846, vol. i., pp. 145-147.

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longer be useful to himself. A discourse preached by Winram opened the proceedings.

In selecting Winram to preach, Beaton acted with his usual policy. A churchman of considerable rank and known ability, Winram was suspected of tolerating the new opinions. By being called on publicly to denounce them, the cardinal imagined that, out of respect to his own consistency, he would feel bound to conform to the ancient doctrines. Winram probably suspected the snare, and so did not fall into it. Choosing as his subject the Parable of the Sower, he described the Word of God as the good seed, and characterised heresy as the evil seed. Heresy consisted, he said, of opinions obstinately maintained which impugned the authority of Scripture. It was manifested on the part of those who had the care of souls, by wilful ignorance or neglect of the pastoral duties. A spiritual teacher ought thoroughly to understand that Word which he professed to explain to others. In the words of St Paul, "a bishop must be blameless, as the minister of God, not stubborn, not soon angry, not given to wine, no fighter, not given to filthy lucre, but a dispenser of hospitality, a lover of good men, sober, just, holy, temperate, holding fast the word of doctrine, that he may be able to exhort with wholesome learning, and to convince the gainsayers."* As the goldsmith had a test for the true metal, so the test of heresy was Holy Scripture. Respecting the punishment of heresy in this life, he read in the parable, "Let both grow together until the harvest."† Nevertheless, persistent opposition to the truth might be punished by the secular arm.

This discourse might have been addressed to any Protestant assembly. It certainly did not commit the preacher to an approval of the cardinal's proceedings. At the Reformation in 1560, Winram joined the Protestant party, and became associated with Knox and others in preparing the Confession of Faith and the First Book of Discipline.

At the close of Winram's discourse, Wishart was invited to

* Titus i. 7. † Matt. xiii. 30.

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ascend the pulpit, there to answer the articles of accusation. John Lauder,* a priest and member of the Priory, stood forward as accuser. Reading the articles of indictment with unbecoming haste,† he demanded of the prisoner an immediate answer. After on his knees engaging in solemn prayer, Wishart rose, and said, "Words abominable even to conceive have been ascribed to me, wherefore hear and know my doctrine: Since my return from England, I have taught the Ten Commandments, the Twelve Articles of Faith, and the Lord's Prayer. In Dundee I expounded St Paul's Epistle to the Romans; and the manner of my teaching I shall presently explain——"

"Renegade, traitor, and thief!" exclaimed Lauder, "you have been a preacher too long, and have exercised your function without authority."

The bishops having concurred, Wishart expressed a desire that he might be tried by the governor.

"The cardinal is a judge, more than sufficient for thee," said Lauder. "Is not my Lord Cardinal Chancellor of Scotland, Archbishop of St Andrews, Bishop of Mirepois, Commendator of Arbroath, *legatus natus*, and *legatus a latere?*"—"I do not depise my Lord Cardinal," rejoined the preacher, "but I desire to be tried by the requirements of Holy Scripture, under the authority of the governor, whose prisoner I am."

"Such man, such judge," exclaimed the bystanders, while the cardinal proposed to pronounce sentence.

On further consideration, it was ruled that, better to justify the proceedings, the charges should be read a second time, and the prisoner questioned upon each.

"Renegade, traitor, and thief," proceeded Lauder, "thou hast deceived the people, and despised Holy Church, and the authority of the governor. Prohibited from preaching in

* John Lauder studied at St Andrews. His name appears among the licentiates in Pedagogio, anno 1508. It appears from the Treasurer's Accounts that he was frequently employed in ecclesiastical affairs.

† That Lauder spit in the prisoner's face, as is stated by Knox, may not be credited. Such an indecency would not have been tolerated either by the bishops or the spectators (Knox's History, ed. 1846, vol. i., p. 152).

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Dundee, thou didst continue. So when the Bishop of Brechin cursed thee, delivered thee to the devil, and commanded thee to cease preaching, thou didst obstinately disobey."—"I read in Holy Scripture," answered Wishart, "that we ought to obey God rather than man."

"False heretic, thou didst say that a priest at the altar saying mass was as a fox in summer wagging his tail."—"The external motion of the body," replied the preacher, "without grace in the heart, is like the play of a monkey. God searches the heart, and those who truly worship Him must worship Him in sincerity. Such is my teaching."

"Thou hast falsely taught that there are not seven sacraments," said Lauder.—"I believe," replied Wishart, "in those sacraments only which were instituted by Christ, and are set forth in the Holy Gospel."

"Thou hast denied the Sacrament of Confession, affirming that men ought to confess sin to God, and not to the priest."—"I teach, my lord," said Wishart, "that priestly confession has no warrant, but that confession to God is blessed. In the 51st Psalm David makes confession to God, saying, 'Against Thee, Thee only, have I sinned.' When St James writes, 'Confess your faults one to another,'* he counsels us against being high-minded, and so to acknowledge our sinfulness before all. This do not the Grey Friars, who say they are already pure."

The bishops expressed a strong dissent, while Lauder proceeded to read the fifth article:

"False heretic, thou didst affirm that it was essential that man should understand the nature of baptism."—"My lord," said Wishart, "none of you would transact business with one to whose language you were a stranger. So the parent should understand what in baptism he undertakes for his child."

"Thou hast the spirit of error!" exclaimed a chaplain of the cardinal. Lauder went on:

"False heretic, traitor, and thief, thou didst set forth that the sacrifice of the altar was but a piece of bread, and the

* James v. 16.

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consecration of the Eucharist a rite of superstition."—"Sailing on the Rhine," replied the preacher, "I met a Jew, with whom I reasoned respecting his religion. 'Messias, when He cometh, will not abrogate the law as ye do,' said the Jew; 'we support our poor, ye allow your needy to perish; we forbid the worship of images, your churches are full of idols; and ye adore a piece of bread, saying it is your God.' This incident I have related in my public teaching."

"Read the next article," interrupted the cardinal.

"False heretic, thou didst affirm that extreme unction was not a sacrament."—"To extreme unction I referred not in my teaching," was the preacher's reply.

"False heretic, thou didst deny the efficacy of holy water, and impugned the cursing of Holy Church."—"I never estimated the strength of holy water," said Wishart; "and I cannot commend exorcism or cursing while such have no warrant in the Holy Scripture."

"False renegade," proceeded Lauder, "thou hast denied the power of the Pope, and maintained that every layman is a priest."—"On the authority of the Word," replied the prisoner, "I taught that believers are 'a holy priesthood,'* and that those ignorant of the Scriptures, whatever their rank or degree, cannot instruct others; without the key of knowledge, they cannot bind or loose."

The bishops smiled derisively, while Lauder proceeded with the indictment.

"False heretic, thou hast denied the freedom of the will, and taught that man can of himself neither do good nor evil."—"Not so," answered the prisoner. "I teach in the words of Holy Scripture: 'Whosoever committeth sin is the servant of sin;' and, 'If the Son shall make you free, ye shall be free indeed.'"†

"False heretic," said Lauder, reading the eleventh article, "thou hast said that it is lawful to eat flesh on Friday."—"In the writings of St Paul I read," replied Wishart, "'Unto the pure, all things are pure, but unto those that are defiled and

* 1 Peter ii. 5. † John viii. 34, 36.

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unbelieving is nothing pure.' Through the Word the faithful man sanctifies God's creatures: the creature may not sanctify that which is corrupt."

"That is blasphemy," said the bishops.

"Thou hast taught, false heretic," continued the accuser, "that men should pray to God only, and not to the saints. Answer, yea or nay."—"The first commandment," replied Wishart, "teaches me to worship God only; and, as St Paul writes, there is only 'one mediator between God and men, the man Christ Jesus.'* He is the door by which we must enter in. He that entereth not by this door, but climbeth up some other way, the same is a thief and a robber.† Concerning the saints, we are not taught to pray to them, and it is not certain that they will hear us."

"False heretic, thou sayest there is no purgatory."—"In the Scriptures," replied the preacher, "such a place is not named."

"Thou hast falsely contemned the prayers of monks and friars, and taught that priests may marry, and have wives."—"I read in St Matthew's Gospel," was the Reformer's reply, "that those who abstain from marriage for the kingdom of heaven's sake are blessed of God.‡ Those who have not the gift of chastity, and yet have become celebates, ye know have erred greatly."

"Renegade and heretic, thou hast refused to obey our general and provincial councils."—"Should your councils teach according to the Word of God, I shall obey them," was the answer.

"Proceed with the articles," shouted John Scot of the Greyfriars' monastery.

"Thou hast taught that God dwells not in churches built by men's hands, and that it is vain to consecrate costly edifices to His praise."—"God," replied Wishart, "is present everywhere. 'Behold,' said Solomon, 'heaven and the heaven of heavens cannot contain Thee: how much less this house which I have built.'§ In the Book of Job God is described

* 1 Tim. ii. 5. † John x. 1. ‡ Matt. xix. 12. § 2 Chron. vi. 18.

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as 'high as heaven: deeper than hell: His measure longer than the earth, and broader than the sea.'* Yet God is pleased to honour places specially dedicated to His worship: 'Where two or three,' said the Saviour, 'are gathered together in my name, there am I in the midst of them.'† God is certainly present where He is truly worshipped."

"Thou hast, false heretic, averred that men ought not to fast."—"Fasting," replied the prisoner, "is commended in Scripture; and I have learned by experience that fasting is beneficial to the body. God honoureth those only who truly fast."

"False heretic, thou hast said that the souls of men do sleep until the Day of Judgment."—"God forgive those who so report me," replied Wishart. "The soul of the believer does not sleep, but at once enters into glory."

As the preacher closed, the bishops returned a verdict of "guilty." Wishart, on his knees, expressed these words of prayer: "Gracious and everlasting God, how long wilt Thou permit Thy servants to suffer through infatuation and ignorance? We know that the righteous must suffer persecution in this life, which passeth as doth a shadow, yet we would entreat Thee, merciful Father, that Thou wouldest defend Thy people whom Thou hast chosen, and give them grace to endure and continue in Thy Holy Word."

Having commanded the laity to retire, the cardinal sentenced the prisoner to be burned to ashes. By the captain of the castle and his warders, Wishart was conducted to his prison. There he was visited by two monks from the Grey-friars' monastery, John Scot and another, who offered to act as his confessors. He declined their offer, but expressed a desire that the sub-prior might be sent to him. Winram joined him at once; but the subject of their conversation did not transpire.

The execution was fixed for the 1st of March, the day after the trial. A stake was erected in the centre of an open space fronting the principal entrance to the castle. The

* Job xi. 8, 9. † Matt. xviii. 20.

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main tower, the several turrets, and front windows were decorated with silk hangings and tapestry; and the prisoner's escape was rendered impossible by the heavy artillery of the fortress being pointed towards the scene of execution.

From the front windows of the castle, the cardinal and bishops reclined on splendid cushions. The cardinal's military guard, bearing insignia, encircled the stake. As the trumpeters sounded, two executioners proceeded to fetch the prisoner. They arrayed him in a vestment of black linen, and hung bags of gunpowder around his person; then they conducted him to the place of death.

"Pray to our Lady, Master George," exclaimed two friars, as the prisoner crossed the drawbridge. "Tempt me not, my brethren," replied the preacher.

At the stake, Wishart fell upon his knees, and exclaimed aloud: "Saviour of the world, have mercy upon me. Heavenly Father, into Thy hands I commend my spirit." Turning to the multitude, he said: "Christian brethren and sisters, be not offended at the Word of God on account of the tortures you see prepared for me. Love the Word which publisheth salvation, and suffer patiently for the Gospel's sake. To my brethren and sisters who have heard me elsewhere,

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declare that my doctrine is no old wife's fables, but the blessed Gospel of salvation. For preaching that Gospel, I am now to suffer, and I suffer gladly for the Redeemer's sake. Should any of you be called on to endure persecution, fear not them who can destroy the body, for they cannot slay the soul. Most falsely have I been accused of teaching that the soul shall sleep after death till the last day; I believe my soul shall sup with my Saviour this night." After a pause, he said, "I beseech you, brethren and sisters, exhort your prelates to acquaint themselves with the Word of God, so that they may be ashamed to do evil and learn to do good; for if they will not turn from their sinful way, the wrath of God shall fall upon them suddenly, and they shall not escape." Again falling on his knees, he prayed for those who had, through ignorance, condemned him, and for all who had testified against him falsely. One of the executioners, who entreated his forgiveness, he kissed on the cheek, saying to him, "By this token I forgive thee; do thine office." Wishart was now made fast to the stake, while a heap of faggots was piled around his body. Fire being applied, the bags of gunpowder attached to his person exploded, and he ceased to live.

Deeply moved, the multitude retired from the scene of death. A religion which required such sacrifices could not long retain general acceptance. But the cardinal was indifferent to public sentiment. Early in April he, at Finhaven in Forfarshire, attended the marriage of his illegitimate daughter, Margaret, with David Lindsay, afterwards Earl of Crawford. One of the charges on which Wishart was condemned, was that he opposed the celibacy of the clergy. But while the cardinal held those who opposed priestly celibacy to be worthy of death, he personally ignored its obligations. For many years he cohabited with Marion Ogilvy, a daughter of Lord Ogilvy of Airlie, by whom he was father of two sons and a daughter, Margaret.* In a contract of marriage which he subscribed at St Andrews on the 10th April 1546, he

* Knox's History, ed. 1846, p. 174, note by Mr David Laing.

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names Margaret Beaton as his daughter, and as such he provided her with a dowry of four thousand merks.*

The account we have presented of Wishart's trial and martyrdom is derived from the narrative of Foxe the martyrologist, in the first edition of his "Actes and Monumentes," printed in 1563. The original of that narrative is contained in a black-letter volume,† printed at London by John Day and William Seres, with the title, "The tragical death of David Beatō, Bishoppe of Sainct Andrewes in Scotland, whereunto is ioyned the martyrdom of maister George Wyseharte, gentleman, for whose sake the aforesayed bishoppe was not long after slayne. Wherein thou maiest learne what a burnynge charitie they shewed not only towardes him: but vnto suche as come to their hādes for the blessed Gospel's sake." The volume is without a date, but the "Tragedy of Beaton" contained in it was composed by Sir David Lindsay about a year after the cardinal's death, and it is not improbable that the account of Wishart, by which it is accompanied, was prepared by Knox when he resided in the Castle of St Andrews, between April and July 1547. Whether this opinion be well founded or not, Knox has, by including in his "History" the narrative of the martyr's trial and death contained in the black-letter volume, substantially verified its details.

In the reprint of Foxe's "Actes and Monumentes," which appeared in 1570, on the margin opposite to Wishart's allusion to the bishops, are these words: "M. George Wishart prophesieth of the death of the cardinall, which followed after." Proceeding on this unwarrantable deduction, George Buchanan, in his "History of Scotland," asserts that, at the stake, Wishart did actually predict the cardinal's death. Adopting his uncle's statement, David Buchanan, in his edition of Knox's "History,"‡ adds that Wishart at the stake, "looking towards the cardinal, said, he who in such state

* Lord Lindsay's Lives of the Lindsays, London, 1858, 8vo, vol. i., p. 201.

† A unique copy of this volume belonged to the late Mr Richard Heber.

‡ Knox's History, edited by David Buchanan, Lond., 1644, p. 171.

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from that high place feedeth his eyes with my torments, within few dayes shall be hanged out at the same window, to be seen with as much ignominy, as he now leaneth there in pride."

Other erroneous statements in connection with Wishart's execution may be related, since they have unhappily been adopted by more than one historian, and are generally believed. Lindsay of Pitscottie, an extremely credulous writer, remarks* "that Wishart informed the captain of the castle that he saw a great fire upon the sea, which, moving to and fro, at length came upon the city of St Andrews, and lighting upon the earth, brake asunder, which, he thought, did portend the wrath of God to seize shortly not only on that wicked man, who was lord of that castle, but also upon the city." George Buchanan† relates that the sub-prior, on being admitted to Wishart's presence, asked him whether he would receive the Holy Communion, when he answered that he would, provided it was dispensed in both the elements. Having communicated to the cardinal the prisoner's wish, Winram was censured for conveying it, while the request was denied. Next morning, at nine o'clock, the governor of the castle, on sitting down to breakfast, asked Wishart to eat with him. Wishart consented, and, with the governor's consent, consecrated bread and wine, and distributed to those who sat with him, also partaking himself. He then closed with prayer. This narrative has been incorporated by David Buchanan in his edition of Knox's "History."

Lindsay of Pitscottie's narrative betrays the credulous character of its author, and may be dismissed summarily. The statements of Buchanan are unsupported by Knox. As Knox was associated with Winram in preparing the standards of the Reformed Church, he was as likely as any other to obtain from him what he might divulge respecting his last interview with Wishart. But Knox remarks

* Lindsay of Pitscottie's History of Scotland, from 1431 to 1565, Edin., 1728, folio, p. 190.

† History of Scotland, by George Buchanan, Lond., 1690, folio, vol. ii., p. 96.

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emphatically that "he could not show" what had occurred on that occasion.* Further, at the time that Wishart was at St Andrews undergoing his sufferings, Knox was resident in the neighbouring county of Haddington, while Buchanan was in exile. Knox, too, was an inmate of the castle in which the martyr was imprisoned, little more than a year after his death, and Buchanan did not compose his "History" till nearly thirty years afterwards. If the governor of the castle related that Wishart dispensed the Holy Communion, Knox must have heard the narrative, and he could have no motive for suppressing it. But it is extremely improbable that one occupying the position of governor of the cardinal's castle, would venture to allow a condemned heretic to consecrate the eucharist. By so doing, and more especially by partaking of the elements himself, he would have rendered himself liable to a charge of sacrilege, attended with imprisonment or death. Wishart, after his trial, would no doubt be carried back to his dungeon under the rude guardianship of unfeeling warders.

Wishart's alleged prediction as to Beaton's death is unnoticed in the black-letter volume printed shortly after his execution. Foxe, in his first and in the text of his subsequent editions, omits reference to it; and Knox, who ascribes to the martyr what he did not claim, a sort of foreknowledge, is silent on the point. But on other grounds the preacher has been charged with conspiring against the cardinal's life. And this charge must be fully met.

Wishart returned to Scotland at the close of July 1543, and in April of the following year, a person, described as a "Scottish man called Wyshert," bore from Crichton of Brunstone to the court of Henry VIII. a letter, of which the contents indicate a conspiracy for the destruction of the cardinal. The question arises as to whether the preacher and the messenger were one and the same person. To arrive at a proper conclusion, the conspiracy against Beaton must be considered in its details.

* Knox's History, Edin., 1846, vol. i., p. 168.

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When James V. died unexpectedly in December 1542, there was found in his possession a roll, containing the names of three hundred and sixty persons suspected of heresy. The roll was in the handwriting of Beaton, who had desired the king to confiscate all who were named in it. To carry out his plans, Beaton presented a document, which he described as the king's will, constituting him governor of the kingdom, and guardian of the infant princess. That document was pronounced a forgery, and, by general consent, the Earl of Arran was appointed governor.*

A proposal for the marriage of the infant queen with the Prince of Wales was, in the interests of the Church, keenly opposed by the cardinal. Letters from him to the House of Guise, inviting armed resistance, being discovered, he was seized by the governor, and, on the charge of treason, warded in Blackness Castle. He regained his liberty, but in the meantime efforts were put forth by Henry VIII. to have him brought as a prisoner to England.† From among those whose lands the cardinal had proposed to confiscate, Henry found no difficulty in procuring the services of some well suited to his purpose. With these were joined a former friend of the cardinal, Alexander Crichton of Brunstone, a person of uncommon skill and vigorous enterprise. On Crichton's promise of co-operation, Henry honoured him with a private letter. Crichton acknowledged the royal missive, in a communication dated 16th November 1543, in which he assured Sir Ralph Sadler he would do his best to fulfil the king's wishes.‡

But the cardinal, though widely obnoxious, could not be assailed without much risk and difficulty. As chancellor of the kingdom, and a prince of the Church, any injury done to him would be adjudged treason. From many of the nobles and the principal landowners he had obtained bonds of manrent, by which they had become bound to support him with

* Sadler's State Papers, vol. i., pp. 94, 138.
† *Ib.*, vol. i., pp. 221, 249, 278, 312.
‡ *Ib.*, vol. i., p. 332.

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their persons and goods.* Crichton therefore could not readily fulfil the wishes of his royal correspondent. The mission which he undertook in November 1543 was not in shape until the following April. Of the condition of affairs at that period, we are informed in the following communication from the Earl of Hertford to the king:

"Please it your Highnes to understande that this daye arryved here with me, the Erll of Hertforde, a Scottish man called Wyshert, and brought me a letter from the Larde of Brunstone, which I sende your Highnes herewith. And according to his request have taken order for the repayre of the said Wyshert to Your Majestie by poste, both for the delyvere of such letters as he hathe to Your Majestie from the saide Brunstone; and also for the declaracion of his credence whiche as I can perceyve by him consisteth in two poyntes: one is that the Larde of Graunge, late thresourer of Scotlande, the Mr. of Rothes, th' Erle of Rothes' eldest son, & John Charters wolde attempt eyther t' apprehend or slee the Cardynall at some tyme when he shall passe thoroughe the Fyf lande, as he doth sundrye tymes to Sanct Andrewes: and in case they can so apprehend hym, will delyver him unto Your Majestie: which attemptat he saythe they wolde enterpryse if they knew Your Majesties pleasure therein: and what supportacion and mayntenance Your Majestie wolde mynister unto them efter th' execution of the same, in case they suld be persewed afterwards be any of theyr enemyes: the other is that in case your Maj: wolde grant unto them a conveniant enterteynement for to kepe 1000 or 1500 men in wages for a moneth or two, they, joyning with the power of th' Erll Marshall, the saide Mr. of Rothes, the Larde of Calder, and others of the Lorde Grey's friends will tak upon them at such tyme as Your Maj: armye sall be in Scottland to destroye the abbey and towne of Arbroyth being the Cardynalles, and all th' other bisshopes and abbotes houses and countreys on that syde the water thereaboute; and t' apprehende all those whiche they say be the principall impugnators of th' amyte betwen Englande and Scotlande: for the whiche they sulde have a good opportunytie, as they saye, when the power of the said bisshopes and abbotes sall resorte toward Edinburgh to resiste Your Majestyes armye. And for th' execution of these thinges the said

* Knox's History, edit. 1846, vol. i., p. 172.

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Wyshert sayeth that the saide Erll Marshall and others above named will capitulate with your Majestie in wryting under their handes and seales afore they shall desyre any supplie or ayde of money at Your Majesties' handes. This is th' effect of his credence with other sondry advertisementes of the grit contencion and division that is at this present within the realme of Scotlande, whiche we doubt not he woll declair unto Your Majestie at good length.—Also I, the said Erll of Hertford, have recevyed this daye certene letters from the Lord Wharton and Sir Robert Bowes, with the copies of suche letters as were wrytten be the Erll of Glencarne's sone, & Bishop the Erll of Lennox's secretary, to be sent into Scotlande to the same Erlles: whiche copies the said Lord Wharton & M^r^ Bowes atteyned to suche meanes as sall appear unto your Majestie by theyr saide letters, whiche with the saide copies we send also to Your Highnes, here inclosed: together with certen other letters which arryved here also this day from the Lord Ewers, conteyning certen exploytes done in Scotlande. Fynally, the Lorde Wyllyam Howard being at Tynemont sent a letter this morning to me, the said Erll of Hertford, whereby it appereth that certaine of the shippes victuallers are arryved there, and some of theym report that yesterday in the morning they sawe my Lord Admyrall with the reste of the fleete on see borde Hull makyng hitherwarde: so that the wynde contynuing as it is, they wilbe at Tynemont this night or to morrawe with the grace of God: who preserve Your Royall Majestie." *

This letter is endorsed, "Despeched xvij^o^ Aprel at iiij^oc^ at aft^r^none."

In the preceding communication, Lord Hertford informs the king, through the messenger Wishart, that Crichton of Brunstone had made two propositions. In the first instance he undertook, on certain conditions, that the Master of Rothes, Kirkaldy of Grange, and Charteris of Kinfauns, would seize the cardinal, and either slay him or send him a prisoner into England. Or on obtaining from the English king the necessary support, the Earl Marischal, the Earl of Rothes, Sandilands of Calder, and other associates of Lord Gray, would destroy the Abbey of Arbroath, of which the cardinal was commendator, and from which he derived a por-

* State Papers, Henry VIII., vol. v., pp. 377, 378.

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tion of his wealth. On the subject of these proposals, the messenger, Wishart, was admitted by Henry to a private interview, of which the result is set forth in the following despatch from the Lords of the Privy Council to the Lord Hertford:

"After our moost harty commendations unto your good Lordship, These shalbe to signifye unto you that this bearer Wishert, which cam from Brounston, hath bene with the King's Majestie, and for his credence declared ever the same matiers in substance whereof Your Lordship hath written hither: and hath received for answer touching the Feats against the Cardinall, That in cace the Lords and Gentlemen which he named shall enterprise the same ernestly and do the best they can to th' uttermost of their powers to bringe the same to passe indede; and theruppon not being able to contynue longer in Scotlande sholbe enforced to flye into this Realme for refuge, his Highnes wilbe contented to accepte them & relief them as shall appertyn. And as to their second desyre to have th' entretaynement of a certayn nombre of men at his Highnes chargs, promisyng therefore to covenaunt with His Majestie in writing under their seales to burn and destroy the Abbots, Bishops, and other Kirkmen's lands, His Majestie hath aunswered that forasmuch his Highnes Armey shall be by the grace of God entred into Scotlande and redy to return agayn before His Highnes can sende doun to them, and they sende agayn and have aunswer for a conclusion in this matier, his Highnes thinks the tyme too shorte to commune any further in it after this sorte: But if they mynde effectually to him, and destroy as they have offred at his Majestie's Armey being in Scotland; and for their true and upright dealyngs with His Majestie therin, will lay in to Your Lordshipp, my Lord Lieutenant, such hostages as you shall think convenient: his Highnes will take order that you my Lord, shall delivre unto them one thousand punds sterling for their furnytures in that behalf which his Majestie's pleasure is you shall cause to be payed unto them in case they shall break with you in this matier; and delivre you such hostages as aforesayd. Thus fayre your Lordshipp right hartily well. From Grenewich the 26th of April 1544.

"Your good Lordship's assured loveing frends Cherles Suffolk, Tho. Weston, Ste. Winton, John Gage, T. Chene, Antony Wyngfield, William Pagot." *

* Haynes' Collection of State Papers, Lond., 1740, folio, p. 32.

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Here we arrive at a point whence to determine whether the messenger who conveyed to the Court of Henry VIII. Crichton's proposals for the destruction of the cardinal, was identical with the Reformed preacher. The conspiracy, it will be remarked, had hitherto proceeded solely on political grounds. Henry desired the cardinal's destruction on account of his persistent opposition to the proposed alliance on which he had set his heart; while Crichton sought to avenge a private feud, and his coadjutors to resent a scheme of confiscation. Was Wishart the preacher likely to implicate himself in such a plot? Politically it was not for the interests of the Protestant cause that he should. Could he have done so unknown to the cardinal, who, among the numerous charges brought against him at his trial, does not include that of treason or sacrilege? Does Wishart's character, concerning which testimony is borne by two persons to whom he was personally known, warrant the belief that he would seek to destroy life? By Tylney he is described as "a man, modest, temperate, fearing God, hating covetousness, forgiving those who would have slain him, and seeking to do good to all and hurt to none." Knox* styles him "a meek lamb," and further describes him as "a man of such graces, as before him were never heard within this nation."

Both in Lord Hertford's despatch to Henry VIII., and in the Privy Council's answer, Crichton's messenger is styled *Wyshert* or *Wishert*. George Wishart was in holy orders, and was a Master of Arts. His ecclesiastical connection is referred to in the letters contained in the Cottonian MSS. He is described as a "clerk" by his contemporary Bishop Lesley,† who belonged to the Romish Church. He is named as Master of Arts by Tylney, who remarks that he was "commonly called

* Knox's History, vol. i., pp. 125, 168.

† The History of Scotland, written in the Scottish vernacular for the use of Queen Mary, by John Lesley, Bishop of Ross. Published by the Bannatyne Club in 1830, from a MS. belonging to the Earl of Leven, p. 191. Bishop Lesley was born in 1526, and was therefore in his twentieth year at the period of Wishart's martyrdom.

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Maister George of Bennet's College." He is styled "Maister George" by Knox.* In the Treasurer's Accounts† he also receives the prenomen of Master. Had Crichton been privileged to employ a messenger who was a Master of Arts and in orders, he would not have allowed the facts to remain unnoticed. And if his messenger had been the Cambridge scholar, whom the Scottish Commissioners took under their protection, it is absolutely certain that he would have said so. By the Earl of Hertford the messenger would have been described otherwise than as "a Scottish man called Wyshert."

But it may, we think, conclusively be shown who the messenger really was. There was a connection by marriage between the House of Wishart of Pitarrow and that of Learmont of Balcomie.‡ James Learmont of Balcomie was one of the commissioners employed in negotiating the marriage of the Prince of Wales with the infant Queen Mary. He was an avowed enemy of the cardinal, who latterly sought his apprehension.§ He was also an associate of Norman Leslie, to whose sister his son George was afterwards married.‖

At this period the members of the House of Pitarrow consisted of John Wishart, who owned the estate, his brother George the preacher, and James of "Carnebeg," his second brother, who was father of four sons, John, James, Alexander, and George. John Wishart, eldest son of James of Carnebeg, ultimately became a judge in the Supreme Court, and probably had a legal training. If he studied law at Edinburgh, he would in that city have an opportunity of meeting the associates of his kinsman, the Laird of Balcomie. Two of these associates, Norman Leslie, and Kirkaldy, younger of Grange, were early conspirators against the cardinal.

If John Wishart became Crichton's messenger, his designation in the Earl of Hertford's letter was sufficiently appropriate. His father, as a younger brother of the Laird of Pitarrow, owned only a small holding on the estate, and he

* Knox's History, ed. 1846, vol. i., pp. 125-169.

† Treasurer's Accounts, March 1546.

‡ See *supra*. § See *postea*. ‖ Douglas's Peerage, p. 588.

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had himself no certain prospects, or any well-defined social status.

Was this John Wishart likely to support the cause of the Reformation by joining in a conspiracy against the cardinal? His career is depicted in the accompanying history of his House. He was an active promoter of the Protestant doctrines, and one of those who sat in Parliament when the Reformed Church was recognised. He was an adherent of the Regent Murray, who granted him land and honoured him with knighthood. But, like his contemporaries, Kirkaldy of Grange, and Maitland of Lethington, he lacked consistency. As paymaster of the Reformed clergy, his conduct was doubtful. He deserted the Regent Murray, who was largely his benefactor. He joined Kirkaldy of Grange when he held the Castle of Edinburgh on behalf of the dethroned queen, and in virtual opposition to the Protestant government. He rejoiced in contention, and was chargeable with avarice. Having joined Kirkaldy on behalf of Queen Mary, in 1573, he was not unlikely to have associated with the same wavering statesman in plotting the death of Beaton about thirty years previously.

But George Wishart the preacher was, on the father's side, uncle of John Wishart, the supposed conspirator. If the preacher was cognisant that his nephew joined in the conspiracy, he was personally identified with it. Doubtless so. But there is no evidence that he was informed of it. He seems to have resided at Pitarrow from the period of his return to Scotland, in July 1543, till the spring of 1545, when he commenced preaching at Montrose. The "Scottish man called Wyshert" appears in connection with the conspiracy only in April 1544. If, as we conjecture, John Wishart was studying law at Edinburgh when Learmont of Balcomie made him known to the cardinal's enemies, he may have proceeded on his expedition to the English court without communicating with his relatives at Pitarrow. On the messenger's return, the plot slumbered, and it was not revived till the following spring, when the name of Wishart no longer appears in the list of con-

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spirators. Is it an unwarrantable hypothesis that, being latterly informed of his doings, his uncle, the preacher, persuaded him to withdraw from the conspiracy?

Till George Wishart's death, the conspirators made no definite arrangements. They were now actuated by a deadly revenge, which was probably stimulated by Learmont of Balcomie, the martyr's relative. It would appear the final plot was in active progress a few weeks after the martyrdom, for, on his return from Finhaven early in April, the cardinal learned that he was in danger. Attending the Provincial Synod at Edinburgh, in the end of April, the Earl of Angus made an attempt to destroy him.* On his return to St Andrews, he gave instructions that the castle should be repaired and fortified. He next summoned the landowners of Fife to meet him at Falkland, on Monday the 31st May, ostensibly to consider public affairs, but with the actual purpose of apprehending those persons whose enmity he most dreaded, among whom were Norman Leslie, John Leslie, his uncle, Kirkaldy of Grange, and Learmont of Balcomie.

His purpose was anticipated. On the evening of Friday the 28th of May, Norman Leslie, with several followers, entered St Andrews, and proceeded to his usual inn. Kirkaldy, younger of Grange, had arrived previously; and John Leslie, whose hostility to the cardinal was well known, came during the night. Next morning the conspirators and their followers, numbering sixteen persons, walked in detached groups in the grounds of the cathedral. On a signal that the drawbridge was lowered to admit the workmen, Norman Leslie and his followers entered the castle. Engaging the porter in conversation, he enabled James Melville of Raith and William Kirkaldy to cross the drawbridge unobserved. When John Leslie came up, the porter attempted to secure the portcullis, but was struck down. Finding the castle in possession of an armed band, the workmen threw down their tools and dispersed. Kirkaldy guarded a private postern, while his associates aroused the servants and conducted them

* Knox's History, ed. 1846, vol. i., p. 172.

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from the stronghold. Hearing the noise, the cardinal threw open his window and inquired the cause. Informed that Norman Leslie had taken the castle, he attempted to escape by the postern. Finding that it was guarded, he returned to his chamber, and piled the heavier furniture against the door. John Leslie knocked loudly, and, announcing his name, demanded admission. "I will have Norman," said the cardinal, "for he is my friend." "Be content with such as are here," was the rejoinder; and on a call for fire, the cardinal opened. John Leslie and another rushed upon him with their swords, but James Melville entreated them to pause, and adjured the cardinal to prepare for death. He especially exhorted him to repent of the murder of Wishart, for which the Divine vengeance had now overtaken him. The conspirators then fell upon him with their swords. His last words were, "Fy, fy, I am a priest, all is gone."*

The events of the morning were a terrible sequel to the *auto-da-fe* of March. The citizens were in consternation. The provost convened the town council, and, proceeding to the ramparts of the castle, inquired whether the cardinal was alive.† The answer was that he was dead, and, in hideous evidence of the fact, his dead body was suspended on the wall. Not long afterwards was formed, within the castle, the first congregation of the Protestant Church in Scotland.

Though neither the first nor last of those who suffered, George Wishart rendered to the cause of the Reformation in Scotland real and important service. Through his instrumentality John Knox was led to exchange the retired life of a private tutor for that of a public teacher of the Protestant doctrines. Though his ministry was of short duration, he lived at a time when men, who resisted prevailing error accomplished, within a few months, the work of a generation In Dundee his fervent preaching was long gratefully remembered. The singular devotedness of the Covenanters

* Knox's History, ed. 1846, vol. i., pp. 173-177.

† *Ib.*, vol. i., p. 178; Bishop Lesley's History of Scotland, Edin., 1830, 4to, p. 19.

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of Ayrshire was not more derived from the early confession of the Lollards of Kyle,* than from the example and preaching of George Wishart.

Wishart's character is celebrated by John Johnstone, in the following epigram:

"Quam bene conveniunt divinis nomina rebus
Divinæ hic Sophiæ corque oculusque viget
Qui Patris arcanam Sophiam, cœlique recessus,
Corde fovens terris Numina tanta aperit
Unus amor Christus. Pro Christo concitus ardor
Altius humanis Enthea corda rapit,
Præteritis aptans præsentia judicat omnia
Et ventura dehinc ordine quæque docet
Ipse suam mortem tempusque modumque profatur
Fataque carnifici tristia sacrilego
Terrificam ad flammam stat imperterritus. Ipsa
Quin stupet invictos sic pavefacto animos
Ut vix ausa dehinc sit paucos carpere. Tota
Ilicet innocui victa cruore viri est."†

Describing Wishart as in the pulpit alike uncompromising in the exposure of error as in reproving those who rejected the Gospel message, Knox expatiates on the gentleness of his private life. Tylney, who was his pupil at Cambridge,

* Calderwood's History of the Church of Scotland, vol. i., p. 49.

† MS. Poems of John Johnstone, in the Advocates Library, Edinburgh. A portion of the epigram has thus been rendered by an ingenious friend:

"How good a thing it is in one to find,
His name the mirror of a virtuous mind;
And well may Wishart claim the spotless heart
Where heavenly wisdom breathes in every part;
Christ his sole love, he doth unfold the store,
Of all his bosom holds of sacred lore.
Celestial themes are his, and he displays
The hidden mystery of the Father's ways;
Fired with the love of Christ, his zealous heart
Prophetic soars above all human art.
. . . . .
Dauntless amidst devouring flames he stands,
Which shrink as loath to kiss the martyr's hands;
No trembling victim now attests their rage,
For fiercest fires doth innocence assuage."

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remarks that he was "courteous" and "lowly." To the poor at Cambridge he supplied food and raiment, and provided some with monthly, and others with weekly donatives. A diligent instructor, he assisted his pupils at their private readings, as well as in the public school. Though of grave deportment, his manners were mild, rather than austere. He was of a tall, slight figure, had a dark complexion, and wore a long beard, and a small French cap. He dressed in "a fustian doublet," with black stockings, and a frieze gown.

To his erudition and accomplishments Knox and Tylney bear strong testimony. The bishops at St Andrews, who condemned him, did not venture to meet his arguments. The clergy at Bristol attempted his discomfiture only by violence. Apart from the power of his public teaching, and the excellence of his private virtues, he, as a martyr, holds a place on the roll of the illustrious. He died to assert his testimony against sacerdotal arrogance and priestly corruption, which are the curse of nations. In his blood the Scottish Church took root, and so long as his countrymen cherish Protestantism and love liberty, his memory will be fragrant.

THE CONFESSION OF FAITH OF THE CHURCHES OF SWITZERLAND.

THE following English translation of the first Helvetian Confession was composed by George Wishart. The original Confession was under the direction of a conference held at Basel in January 1536, prepared in Latin by the Reformers Bullinger, Myconius, Grynaeus, Leo Juda, and Grossmann. In the following March it received the united sanction of the representatives of the different Swiss churches at a second conference at Basel. In versions of Latin and German it was submitted to an assembly at Wittenberg by Bucer and Capito, and also to the Protestant princes at the meeting at Smalkald

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in February 1537, and was on both occasions approved. Subsequent to the latter event, Wishart produced his English translation. From a unique copy, formerly in the possession of Mr Richard Heber, Wishart's version has been reprinted in the "Miscellany of the Wodrow Society." From that work it is transferred to these pages. The original is a tract of fifteen leaves octavo, in black letter. There is no date or printer's name, but it is believed to have been printed at London by Thomas Raynalde about the year 1548. The title-page is inscribed:

"This confescione was fyrste wrytten and set out by the ministers of the churche and congregacion of Sweuerland, where all godlynes is receyued, and the worde hadde in most reuerence, and from thence was sent unto the Emperour's maiestie, then holdynge a gryat counsell or parliamēt in the yeare of our Lord God, Md cxxxvii in the moneth of February. Translated out of laten by George Usher a Scotchman, who was burned in Scotland, the yeare of our lorde Mv c xlvi.

"OF THE HOLY SCRYPTURE.

"The Canonycall or holy Scrypture, whiche is the Worde of God, taught and gyven by the Holy Spryte, and publyshed unto the worlde by the prophetes and holy apostles, which also is the moost perfyte and auncient science and doctryne of wysdome, it alone contayneth consumatly all godlynes and all sorte and maner of facyon of lyfe.

"OF THE EXPOSICION OF SCRYPTURE.

"The interpretacion, or exposicion of this holy wrytte, ought and shuld be sought out of it selfe, so that it shulde be the owne interpretour, the rule of charite and faythe hauynge gouernaunce.

"OF MANNES TRADICIONS.

"As to other thyngs, of Tradicions of men, howe bewtifull and how moch receyued soeuer they be, what so euer tradicions withdraweth us and stoppeth us fro the Scripture, of such do we answere the sayinges of the Lorde, as of thyngs hurtfull and unprofytable, 'They worshippe me in vayne, teachying the doctrynes of man.' Mathi. 15.

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"OF THE HOLY FATHERS.

"For the whiche sorte of interpretacyon so farre as the Holy Fathers hathe not gone fro it, not onely do we receyue them as interpretones of the Scripture, but also we honour and worshyp them as chosen and beloued instrumentes of God.

"THE ENDE AND ENTENTE OF THE SCRYPTURE.

"The pryncypal entent of al the Scripture canonicall is, to declare that God is beniuolent and frendly mynded to mankynde; and that he hathe declared that kyndnes in and throughe Jesu Chryste his onely sone: the which kyndnes is receyuyd by fayth; but this fayth is effectuous through charitie, and expressed in an innocent lyfe.

"OF GOD.

"Of God we byleive in this sorte: that he is almyghtie, beynge one in substance, and thre in persones: which euen as he hathe created by his Worde, that is his Sone, all thynges of nothynge; so by his Spirite and prouydence gouerns he, preserues, and norysheth he, most truly, ryghtously, and wysely all thynges.

"OF MAN.

"Man, whiche is the perfectest image of God in earthe, and also is the chefe dignite and honoure amonge all creatures visible, beynge made of soule and body; of the whiche twayne the body is mortall, the soule immortall; whan he was creat of God holy, by fallynge in vyce and synne throughe his owne fal, drew with hym in that same ruen and fal, and so subjected all mankynde to the same calamitie and wretchydnes that he fell in.

"OF ORIGINAL SYNNE.

"And so this pestiferous infection whiche men calleth Originall, hathe infecte and ouerspred the whole kynde of man, so far that by no helpe (he beynge the sone of wrathe and vengaunce and enemye of God) coulde be healed by any means but by the helpe of God onely: for yf there be any good that remayneth in man after the fall, that same beynge joyntelie made weaker and weaker by our vyce tournes to the worse; because the strengthe and power of euyll ouercometh it, and nother suffereth it us to folowe reason nor yet to exersyse the godlynes of our mynde.

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"OF FREWYLL.

"Wherfore we attribute so free wyll to man as we whiche wyttynge and wyllynge to do good, fele experience of euyll. Also euyll trewly we maye do of oure owne wyll, but to embrace and folowe good (except we be elluminat, styred up and mounted, by the grace of Chryst) we maye not: for, 'God is he whiche worketh in us bothe to wyll, to performe, and to accomplyshe for his owne good wyll sake;' and of God commeth our helth and saluacion, but of our selfe commeth perdicion.

"OF THE ETERNAL MYNDE OF GOD TO RESTORE MAN.

"And howbeit that through his fault man was subjecte unto dampnacion, and also was runne under the juste indingnacion of God to take vengeaunce of hym, yet God the father neuer seaced to take a mercyfull care ouer hym: The whiche thynge is manifest not onely of the fyrst promyses and the whole lawe, whiche as it is holy and good, teaching us the wyll of God, ryghtuousnes, and truthe, so worketh it wrath and storeth up synne within us, and slacketh it not, and that not through any faulte of it selfe, but through our vyce, but also clerely appereth it through Christ, whiche was ordayned and geuen for that purpose.

"OF JESUS CHRIST AND THAT IS DONE BY HYM.

"This Christ, the very Sone of God, and very God and very man also, was made our brother, at the tyme appoynted he toke upon him whole man, made of soule and body, hauynge two natures unpermyxte and one dewyne person, to the intent that he shoulde restore unto lyfe us that were deed, and make us aryse of God annexte with hym selfe. He also after that he had taken upon him of the immaculate Virgin, by operacion of the Holy Goost, fleshe, whiche was holy bycause of the union of the Godhed, which is, and also was lyke to our fleshe in all thynges excepte in synfulnes: And that bycause it behoued the sacrefice for synne to be cleane and immaculate, gaue that same fleshe to death for to expell all our synne by that meanes. And he also, to the entent that we shuld have one full and perfecte hope and trust of our immortalitie, hath raysed up agayne fro death to lyfe his owne fleshe, and hath set it and placed it in heauen at the ryghte hande of his Almyghty Father.

"And there he sytteth our victorious champion, our gyder, our

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capitayne, and heed, also our hyghest bysshop in dede, synne, death, and hell, beynge victoriously ouercome by him, and defendeth oure cause, and pleadeth it perpetually untyll he shall reforme and fascion us to that lykenes to whiche we were create, and brynge us to be partakers of eternall lyfe. And we loke for hym, and beleueth that he shall come at the ende of all ages to be our trewe ryghtuous just Judge, and shall pronounce sentence agaynst all fleshe, whiche shal be raysed up before to that judgement, and that he shall exalte the godly aboue the heauens, but the ungodly shall he condempne bothe body and soule to eternal destruction.

"And as he onely is oure mediatour and entercessour, hoste and sacrifice, bysshop, lorde, and our kynge; also do we acknowlage and confesse hym onely to be our attonement and raunsome, satisfaction, expiacion, or wysdome, our defence, and our onely deliuerer: refusyng utterly all other meane of lyfe and saluacion, excepte thus by Chryst onely.

"THE ENDE OF THE PREACHYNGE OF THE GOSPELL.

"And therefore in the whole doctryne of the Euangelystes annunciat and shew to be the fyrste, and chefely to be inculcated and taught, that we are safe onely by the marcie of God, and merite of our Sauiour Christ. And that men may perceyue and understande the better, howe necessary is the mercie of God and Christes merites for them, theyr synnes shuld be clerely shewed to them by the lawe, and remission by Christes death.

"OF FAITH AND OF THE POWER OF IT.

"And these so godly benefites, with the very sanctificacion of the Holy Spirite, do we optayne by fayth, the very trewe gyfte of God, and not throughe any other power or strength of ourselues or merytes.

"Whiche faythe is one certayne and undouted substance and aprehensyon of all thynges that we hope for to come of the kyndnes of God, and it cometh firste out of the selfe charitie, it worketh noble frutes of al virtues: yet notwithstandynge we attribute no thyng to the dedes, althoughe they be godly, yet be they mennes workes and actes; but the helthe and saluacion that is optayned, we attribute to the grace of God onely: And truely this worshypynge alone is the very trewe worshypynge of God; faythe I meane mooste pryngnaunt and plentifull of good workes, without any confydence in the workes.

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"OF THE CONGREGATION OR CHURCHE.

"Also we holde, and belewe, that the Churche, whiche is the congregacion and eleccion of all holy men, whiche also is the spouse of Christ, whom he shall presente without spot unto his Father, washynge it in his owne blode, is of suche lyuely stones aforesayd layde upon this lyuely rock on this maner.

"The whiche Churche, howbeit it be euydently knowne onely to the eyes of God, yet be certayne externall rytes, institute by Christ, and be one publyke and lawful teachynge, teachynge of the Worde of God, not onely as it spyed and knowen, but it is also so constituted by them, that without the cerimonies there is no man reconed to be of it, excepte it be by a synguler preuilege of God.

"THE MINISTERS OF THE WORD OF GOD.

"And for this cause we graunte the Ministers of the Church to be cooperators of God, as Paule calleth them, by whome God geueth and ministreth both knowledge of our selfe, and remission of synne, and conuerteth men to hym selfe, rayseth them up and comforteth them, affrayeth them also, and judgeth them; but so that the vertue and efficacie thereof we ascrybe also to the Lorde, and the ministracion of the sacramentes. For it is manifest that this efficacie and powre is not bounde nor knytte to any creature, but is dyspensed lyberally and frely, whosoever, and whensoever, he shall please, for, 'He that watereth is nothynge, nor yet is he that planteth any thynge, but he that geueth the encreasment, whiche is God.'

"THE POWER OF THE CHURCHE.

"The aucthoritie to preache Goddes Worde, and to feede the Lordes flocke, the whiche properly is the Power of the Keyes, prescribynge and commaundyng all men, bothe hye and lowe, all lyke, shulde be holy and inuiolat; and shulde be committed onely to them that are mete therfore: and chosen other by the eleccion of God, or elles by a sure and aduysed eleccion of the Churche; or by theyr wyll, to whom the Churches depute and apoynt that offyce of chosynge.

"THE CHOSYNGE OF MINISTERS OR OFFICERS.

"This ministracion and offyce shulde be graunted to no man but to him whom the ministers of the Churche, and they unto whom the

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charge is gyuen by the Churches, and found judged to be of knowlage in the law of God and of innocent lyfe. The whiche seynge it is the very eleccion of God, it is well and justlye approued by the voyce of the Churche, and the imposicion of handes of the heedes of the preestes.

"THE HEED AND SHEPHERD OF THE CHURCHE.

"Christe, verely, hym selfe is the very trewe heed of his churche and congregacion, and the onely pastor and heed; and he also geueth presydentes, heedes, and teachers, to the entent that in the externall administracion they shulde use the power of the churche well and lawfully: Wherfor we knowe not them that are heedes and pastors in name onely, nor yet the Romenishe heedes.

"THE DUTIE OF MINISTERS OR OFFICERS.

"The chefe and pryncypall offyce of this ministracion is to preache repentaunce and remission of synne through Jesu Christe; to praye continually for the people; to geue diligence wholy to holy stodyes and to the Worde of God, and resyst and pursue the deuyll alway with the Word of God, as withe the sworde of the Spirite, and that with a deadly hatered, and by all meanes to chasten him awaye; to defende the holy citezens of Christe. And by all meanes compell and reproue the fautie and vicious; and to exclude from the churche them that stereth to farre, and that by a godly consente and agrement of them whiche are chosen of the ministers and magistrates for correcyon, or to ponyshe them by any other waye conuenient and profytable meanes, so longe untyll they come to a mendement, and so be safe: for this is the returnynge of the churche agayne, for one suche citizen of Chryst, yf he acknowlage and confesse his erroure with conuerted mynde and lyfe, for all this doctryne seketh and wylleth, that we requyre wyllynge and helthefull correccion, exhilarite, or comforte all godly by a newe studdy of godlynes.

"OF THE POWER OR STRENGTHE OF SACRAMENTES.

"There is twayne whiche are named in the Church of God Sacramentes, Baptisme, and Howslynge: these be tokens of secrete thynges, that is, of godly and spirituall thynges, of whiche thynges they take the name, are not of naked sygnes, but they are of sygnes and verities together. For in Baptisme the water is the sygne, but the thynge

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and verytie is regeneracyon, and adopcion in the people of God. In the Howslynge and Thankes gyuynge, the bread and the wyne are sygnes, but the thynge and veritie is the communion of the body of our Lorde; helthe and saluacion founde, and remyssyon of synnes; the whiche are receyuyed by faythe even as the sygnes and tokens are receyued by the bodely mouth.

"Wherfore we affyrme the Sacramentes not onely to be badges and tokens of Christian societie, but to be also sygnes of the grace of God, by the whiche the ministers worketh withe God, to the ende that the promyse bryngeth the worke to passe; but so as is aforesayde of the ministracion of the worde, that all the same powre be ascribed to the Lorde.

"OF BAPTISM.

"We affyrme Baptism to be by the institucion of the Lorde, the lauer of regeneracion, the whiche regeneracion the Lorde exhibiteth to his chosen by a visible sygne by the ministracion of the congregacion, as is aforesayde. In the whiche holy lauer we wasshe oure infantes, for this cause, because it is wyckednes to rejecte and cast out of the felowshyp and company of the people of God them that are borne of us, whiche are the people of God, excepte them that are expressely commaunded to be rejected by the voyce of God; and for this cause chefely, bycause we shulde not presume ungodly of theyr election.

"OF THE SACRAMENT OF THE AULTER.

"But the misticall supper is in the whiche the Lorde offereth his body and his blode, that is, his owne selfe, verely, to his owne, for this entent he myghte lyue more and more in them, and they in hym. Not so that the body and blode of the Lorde are communed naturally to the bread and wyne, or closed in them as in one place; or put in them by any carnal or maruelous presence; but bycause the body and blode of oure Lorde are receyued verely of one faythful soule, and because the bread and the wyne by the institucion of the Lorde, are tokens be whiche the very communion or participacyon of the Lordes body and blode are exhibited of the Lorde himselfe, through the mynistracion of the churche, not to be a meat corruptible of the body, but to be a noryshemente and meat of eternal lyfe.

"And this holy meat do we use ofte for this cause, for when

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through the monicion and rememberaunce of it, we beholde withe the eye of our fayth the death and blode of hym that was crucified, and remember oure saluacyon and helthe, not with out a taste of heauenly lyfe, and very trewe felynge of eternall lyfe: when we do this we are wonderfully refreshed through this spiritual lyvynge and eternall goode. And that with an unspeakable swetnes we exulte and rejoyce with a myrth unexpressable in wordes, for the saluacion that is founde; and we all and whole are effused with all our power and strength, utterly in doynge of thankes for so wonderfull a benefyte of Christ toward us.

"Therefore it is greatly without oure deservynges that some aleges and sayeth of us, that we attrybute lyttell to the Holy Sacramentes; for they are holy thynges and honourable, bycause they are institute and ordayned by oure hye preest Christ, and receyued; exhybiting the thinges that they syngnifie in theyr owne maner as is aforesayd; beynge witnes to the thinge thet is done in dede; representynge so hye and harde thynges, and bryngeth by wonderfull corespondence & lykenes of similitude, a lyght and a clerness to the mynysters that they sygnifie: so wholy is oure beleve and estimacion of the Sacramentes, but verely appropriattynge the virtue of quickenynge and santifienge to hym onely whiche is lyfe, to whom be all honour & prayse for ever. Amen.

"OF COMYNGE TO CHURCHE.

"We beleve and thynke the holy conuencions and gatherynges shulde be holden on this maner & sorte: so that fyrst chefely and before all thynges the worde of God be preached to the people openlie in an open & publyke place, and that daylie: and the secrete & obscure places of the Scripture be opened & declared by mete and competent men: And that by the Holy Supper of thankes, called Howselynge, the faithe of the godlie be ofte exercysed, and that they shulde be contynually in prayer for all men & for the necessities of all men. But the rest of the ceremonies which as they are unprofitable, so are they innumerable, as vescels, garmentes, wax, lyghtes, alters, golde, sylver, in so much as they serve to subverte the trewe religion of God: and chefely Idols & Images that stand open to be worshyped, and geve offence & slaunder; and all suche prophane and ungodlie thynges do we abandon, reject, & put away from the holy congregacion & conuencion.

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"OF HERETYCKES & SYSMATTYCKES.

"We also abandon & reject from our holy conuencions all them that departeth from the societe & fellowship of the holy Churche, and bryngeth in straunge or ungodlie sectes and opinions. With the whiche evyll the Anabaptistes are chefly infecte this tyme: the whiche we judge shuld be constrayned and punished by the majestrates and hye powers, yf they obstinatly do resyst and wyll not obeye the monission of the Church, and that for the intent that they shulde not infecte and corrupt the flocke of God through theyr wycked evyll.

"OF THYNGES INDYFFERENT.

"The thynges that are called, and in dede also are indifferent, howbeit a godlie man may use them frely, and in every place, and at all tymes, yet notwythstandynge he shulde use them with knowlage and of charitie to the glory of God trewly, and the edificacion of the Churche and congregacion.

"OF MAGISTRATES OR GOUERNOURS.

"And seynge euery magistrate and hyghe powre is of God, his chefe and pryncipall office is (excepte he wolde rather use tyranny) to defende the trewe worshipinge of God from all blasfemy and to procure trewe religion, and as the prophete doth teache of the voyce of God, to execute for his powre. In whiche part a trewe and syncere preachinge of the worde of God remayneth with a ryghte and diligente institucion of the discipline of citezens, and of the scooles: just correcion and nurture, with liberalitie towarde the mynysters of the Churche with a solicitat and thoughtfull charge of the poore, to the whiche ende all the rychesse of the Churche is referred. This, I saye, hathe the fyrst and chefe place in the execution of the magistrat.

"Then after to judge the people by equall and godlie lawes, to exersyce and mayntayne judgment & justice, to defend the comunewelthe, and punishe transgressours accordynge to theyr faulte, outher in goodes, theyr bodies or theyr lyves. And when the majestrate executeth these thynges he honoreth God as he shulde, in his vocacion, and we (howbeit we be free bothe in our body and in all oure goodes, and in the studies of oure minde and thought also, with a trewe faithe) knoweth that we shulde be subjecte in holynes to the

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majestrate and shulde keep fydelitie and promes to hym, so long as his commandmentes, statutes and imperes evidently repugneth not with Him for whose sake we honour and worship the majestrates.

"OF HOLY MATRIMONY.

"We judge Mariage, whiche was instytute of God for all men, apte and mete therfor, which are not called from it by any other vocation, to repugn holyness of no ordre; the whiche mariage as the Churche auctoriseth it & celebrates, so solempniseth it with orison & prayer. And therefor we rejecte & refuse this monckly chastite, and all & hole this slouthful & sluggish sorte of lyfe of supersticious men, as abominablye invented & excogitat thynge, and abandon it as a thinge repugnant bothe to the comune weale & to the Churche. And so confirmeth and stablesseth it, so it belongeth to the magistrate to se that it be worthely bothe begoune & worshypped; & not broken but for a just cause.

"A DECLARACION OR WYTNESSYNGE OF OURE MINDE.

"It is not oure mynde for to prescribe by this breefe chapters a certayne rule of the Faythe to all Churches & congregacyones, for we know no outher rule of faythe but the Holy Scripture. And therefore we are well contented with them that agreeth with these thynges, howbeit they use ane other maner of speakinge, or Confession dyfferent apartly to this of ours in wordes, for rather shulde the matter be consydered then the wordes. And therefore we make it free for all men to use theyr owne sorte of speakynge, as they shall perceyue most profitable for theyr churches and we shall use the same libertie. And yf any man wyll attempte to corrupte the trewe meanynge of this oure Confession, he shall heare both a confession and a defence of the veritie and truth.

"It was oure pleasure to use these wordes at this present tyme that we myght declare our opinion in our religion & worshipenge of God.

"FINIS.

"*The Truth wyl have the upper hande.*"

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GENEALOGICAL HISTORY OF THE HOUSE OF WISHART.

NISBET'S statement as to the family of Wishart having derived descent from Robert, an illegitimate son of David, Earl of Huntingdon, who was styled Guishart on account of his heavy slaughter of the Saracens, is an evident fiction.*

The name Guiscard, or Wiscard, a Norman epithet used to designate an adroit or cunning person, was conferred on Robert Guiscard, son of Tancrede de Hauterville of Normandy, afterwards Duke of Calabria, who founded the kingdom of Sicily. This noted warrior died on the 27th July 1085. His surname was adopted by a branch of his House, and the name became common in Normandy and throughout France. Guiscard was the surname of the Norman kings of Apulia in the twelfth and thirteenth centuries.

John Wychard is mentioned as a small landowner in the Hundred de la Mewe, Buckinghamshire, in the reign of Henry III. (1216-1272).† During the same reign and that of Edward I. (1272-1307), are named as landowners, Baldwin Wyschard or Wistchart, in Shropshire; Nicholas Wychard, in Warwickshire; Hugh Wischard, in Essex; and William Wischard, in Bucks.‡ In the reign of Edward I. Julian Wyechard is named as occupier of a house in the county of Oxford.§

A branch of the House of Wischard obtained lands in Scotland some time prior to the thirteenth century. John Wischard was sheriff of Kincardineshire in the reign of Alexander II. (1214-1249). In an undated charter of this monarch, Walter of Lundyn, and Christian his wife, grant to the monks of Arbroath a chalder of grain, "pro sua fraternitate," the witnesses being John Wischard, "vicecomes de

* Nisbet's System of Heraldry, Edin., 1816, folio, vol. i., p. 201.
† Rotuli Hundredorum, vol. i.
‡ Testa. de Nevill, *passim*.
§ Rotuli Hundredorum, vol. ii., p. 727.

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Moernes," and his son John.* John Wischard is witness to a charter, by Stephen de Kinardley, granting to the church of St Thomas the Martyr, of Arbroath, the davach of land in Kincardineshire called Petmengartenach. This charter is undated, but as it contains the names of Alexander II. and his queen Johanna, it evidently belongs to the period between 1221 and 1249.† "J. Wischard vicecomes de Mernez" and John, his son, are witnesses to a charter by Robert Warnebald and Richenda his spouse, granting to the kirk of St Thomas of Arbroath, all their fief (feodum) in the parish of Fordun, comprising the two Tubertachthas, Glenferkeryn, Kynkell, and Kulback and Monbodachyn.‡ This instrument is undated, but there follows a charter of confirmation by Alexander II., dated 20th March, in the twenty-fourth year of his reign (1238).

John Wischart, sheriff of the Mearns, or Kincardineshire, was father of three sons. William, the second son, entered the Church. Possessing superior abilities and extensive culture, he became Archdeacon of St Andrews, and while holding that office was, in 1256, appointed chancellor of the kingdom. He was, in 1270, elected Bishop of Glasgow, but in the same year was postulated to St Andrews.§ By the decree of Pope Urban IV., every bishop-elect was required to proceed to Rome for consecration, and Gregory X., the reigning pontiff, insisted that this rule should be obeyed. Disinclined to undertake the long and perilous journey, Bishop Wishart despatched agents to Rome, begging that he might receive consecration at home. After a long detention, the agents were informed that the papal sanction would be withheld; but, on the persuasion of Edward I., who was then at Rome, on his way from Palestine, the pontiff consented to grant the necessary letters.‖ In 1274 Bishop Wishart was consecrated at Scone, in presence of the king, several bishops, and many of

* Reg. Vetus de Aberbrothoc, p. 97. † *Ib.*, p. 179. ‡ *Ib.*, pp. 198, 199.
§ Fordun, lib. x., p. 133.
‖ Spottiswoode's History, Edin., 1851, 3 vols. 8vo, vol. i., p. 91.

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the nobility. He thereupon resigned his office of chancellor.*

Along with other prelates of the Scottish Church, Bishop Wishart attended a Council held at Lyons in 1274, when a union was effected with the Eastern Church, and decrees were passed for reducing the mendicant orders, and abolishing pluralities. The two latter reforms were practically unavailing, for, by payments at the court of Rome, mendicant monks were allowed to beg as before, and ambitious clerks were permitted to hold as many benefices as they could procure. In 1275, Bagimund, a papal nuncio, arrived in Scotland, and, at a council held at Perth, fixed the value of Scottish benefices.† The revenues of the bishopric of St Andrews were estimated at an amount equal to £9450 of sterling money.

Commended by the chronicler, Wyntoun, Bishop William Wischart is by the historian, John of Fordoun, denounced as a pluralist and charged with hypocrisy.‡ Whatever may have been his private character, his public acts bespeak his praise, for, during the seven years he held his bishopric, he founded at St Andrews the elegant structure of the Dominican monastery, and in superb architecture reared the nave of the cathedral.§ While engaged with other leading persons in settling the vexed question of the marches between the kingdoms, he was seized with a mortal ailment, and expired at Morebattle in 1278. His remains were conveyed to St Andrews, and there deposited in the cathedral, near the high altar.‖

Adam, third son of John Wishart, sheriff of the Mearns, had, in 1272, a charter of the lands of Ballandarg and Logie, in the county of Forfar, from Gilbert de Umphraville, Earl of Angus, and a crown charter confirming the same, dated 13th

* Spottiswoode's History, Edin., 1851, 3 vols. 8vo, vol. i., p. 92.

† The table, commonly called Bagiment's Roll, served as a rule for the prices taken of those who came to sue for benefices at the court of Rome (Spottiswoode's History, vol. i., p. 93).

‡ Fordun's Scotichronicon, lib. x., c. 28.

§ Wyntoun's Chronicle, Edin., 1872, vol. ii., p. 258.

‖ Spottiswoode's History, vol. i., p. 93; Wyntoun, vol. ii., p. 250.

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July 1280, in which he is styled "Adam Wyschard, filius Joannis." In 1279 he received from William, Abbot of Arbroath, a charter of the lands of Kenny-Murchardyn, or Kennyneil, in the parish of Kingoldrum, Forfarshire.* From him descended the House of Wishart of Logie Wishart, otherwise the Wisharts of that ilk. To this branch we shall refer subsequently.

Sir John Wishart, eldest son of John Wischart, sheriff of the Mearns, obtained the lands of Conveth (Laurencekirk), Halkertoun, and Scottistoun, in the Mearns, from Adam, Abbot of Arbroath. Of these lands he had a charter of confirmation, dated 21st June 1246, wherein he is designed "Johannes Wyscard, filius Johannis." By a legal instrument addressed to the Abbot of Arbroath, he became bound not to alienate any portion of his lands without the abbot's consent.† This instrument is undated, but appears to belong to the year 1260. He was knighted by Alexander II., and, as Sir John Wishart, is a witness to the foundation charter of the hospital of Brechin.‡

On the death of Sir John Wishart, which took place in the reign of Alexander III., he was succeeded by his eldest son, also Sir John. This baron, along with his son John, took the oath of fealty to Edward I. at Elgin on the 29th July 1296.§ During the same year he granted ten merks out of the lands of Redhall and Balfeith, for support of the chapel of St Thomas the Martyr, in the cathedral of Brechin.‖ He died at an advanced age.

In a charter by Margaret, Countess of Douglas, Lady Mar and Garioch, dated Feast of the Assumption, 1384, John Wischard is witness to the resignation in her hands of the lands of Colehill and Petgoury.¶

In 1391 Robert III. prohibited Sir William of Keth, sheriff

* Dalrymple's Historical Collections, Edin., 1705, p. 217; Reg. Vet. de Aberd., 332; Jervise's Angus and Mearns, p. 347.

† Reg. Vet. de Aberbrothoc, *passim*. ‡ Reg. Epis. Brechin., vol. i., p. 7.

§ Ragman Roll, pp. 103, 109. ‖ Reg. Epis. Brechin., vol. i., pp. 59-61.

¶ Reg. Epis. Aberd., p. 331.

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of Kincardineshire, from enforcing payment of certain fines, which the men of Sir John Wishart were adjudged to pay in the last justiciary circuit held within his baliary—these fines amounting to £14.*

Sir John Wishart, the fifth baron of certain lands in Kincardineshire, is the first of his House styled of Pitarrow. As "Dominus Joannes Wishart de Pittarro," he, in 1399, entered into an indenture with John, Abbot of Arbroath, respecting the mill and mill lands of Conveth. He died early in the reign of James I., leaving a son, who succeeded to his estate.

Sir John Wischart, second of Pitarrow, went to France in the suite of the Princess Margaret, when, in 1434, she was married to the Dauphin, afterwards Louis XI.† In 1437 £8 were allocated for the farms of the lands of Gurdnes, part of the manor of Firmartin, granted by the king to Sir John Wishart.‡ On the 6th July 1442, "Sir John Wyschart, lord of Pettarrow, knight," appeared before the chapter of Brechin, and to the vicar-general, in the absence of the bishop, presented "Schir David Wyschart" as his chaplain, endowing him with ten merks of annual rent from certain lands.§ Having founded, with an endowment of ten merks yearly, from the lands of Redhall and others, the chaplainry of St Thomas the Martyr, in the cathedral of Brechin, for the salvation of his soul, and that of Janet (Ochterlony), his wife, he, on the 10th of August 1442, presented as chaplain "his well-beloved David Wyschart, to be admitted thereto after examination."‖ In an instrument dated 17th November 1453, David Wyschard is mentioned as one of the vicars or perpetual chaplains of the church of Brechin.¶

In 1447 Alexander Wishart of Pitarrow witnesses the resignation by William Fullerton of the lands of Maryton.** James Wishart of Pitarrow, who had probably succeeded to

* Rotuli Compotorum in Scaccaris, vol. ii., p. 177.
† Chamberlain Rolls, ii. 117, iii. 367.
‡ Rotuli Compotorum in Scaccaris, vol. iii., p. 366.
§ Reg. Epis. Brechin., p. 58.
‖ *Ib.*, p. 59.
¶ *Ib.*, p. 96.
** *Ib.*, ii. 63.

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the estate as a younger brother, obtained on the 17th January 1461, a charter from the Abbot of Arbroath, of the mill and mill lands of Conveth. This instrument William Ochterlony of Kelly, designed uncle of James Wishart, subscribed as a witness. In 1471 James Wishart of Pitarrow is mentioned as holding the Constable lands of Brechin. In connection with these lands he is named in a charter dated 30th March 1482.* He died in June 1491, leaving a son John, and a daughter Marjory. The latter married Gilbert Middleton of that ilk. In the "Acta Auditorum" of 1493 there is a decree respecting the settlement of her dowry.

John Wishart of Pitarrow did homage, on the 25th February 1492, to Robert Leighton, Abbot of Arbroath, for his lands of Reidhall and others. In June 1493 he is mentioned in a decreet of the Lords of Council.† In 1499 he appears to have suffered forfeiture, when his lands of Balgillo were granted to others. He married a daughter of Janet, daughter of Lyndsay of Edzell, with whom he got a charter, under the Great Seal, of the lands of Woodtoun and others in the county of Kincardine.

By his wife Janet Lyndsay, John Wishart of Pitarrow had three sons, James, John, and William. John, the second son, along with his elder brother James, entered into an agreement respecting certain lands and other property, on the 19th March 1508. William, the third son, described as brother-german of the deceased "Master James Wyshart of Pitarrow," had, on the 28th October 1525, a grant from the Abbot of Arbroath of the ward and relief of his brother's lands. James Wishart, eldest son of John Wishart, had, as his first wife, Janet Lyndsay. On the 28th October 1510, a precept was granted by the Abbot of Arbroath for infefting him and "Janet Lyndsay his spouse" in the lands of Redhall, Balfeith, and others, which belonged to his father, John Wishart of Pitarrow. On the 11th August 1511, he obtained a charter under the Great Seal of the lands of Carnebege, in the county of Kincardine. By James IV. he was appointed "Justice

* Reg. Epis. Brechin., ii. 117. † Acts of Lords of Council, 1466-1494.

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Clerk* and King's Advocate" in December 1513, offices which he retained till some time between the years 1520 and 1524. He was a member of the General Council which was held at Perth on the 26th November 1513, to meet Monsieur Labatie and Mr James Ogilvy, ambassadors from Louis XII., to confer respecting the renewal of the French league and the return of the Duke of Albany.† On the 13th November 1516, he had a charter of the lands of Easter and Wester Howlands, Howlawshead, and others. He died before May 1525.

Subsequent to the 28th October 1510, and the 30th April 1512, James Wishart married as his second wife Elizabeth Learmont, a daughter or near relation of James Learmont of Balcomie, in Fife. On the 30th April 1512, he received, along with "Elizabeth Learmont his spouse," a royal charter of the lands of Easter and Wester Pitarrow, on the resignation of his father, John Wishart of Pitarrow, reserving to his father, and Janet Lyndsay his spouse, their "frank tenement of the said lands during their lives."‡ Of his first marriage were born two sons, John and James, and two daughters, Janet and another; of the second a son George, the future martyr.

Janet, daughter of James Wishart of Pitarrow by his first marriage, espoused James Durham of Pitkerrow. His other daughter married George Leslie, third laird of Pitnamoon, by whom she had an only daughter.§

John, eldest son of James Wishart of Pitarrow, held a portion of his lands from the Abbey of Arbroath. Of that abbey, David Beaton, the future cardinal, became commendator in 1524. On the 10th May 1525, Beaton, as Abbot of Arbroath, directed to James Strachan of Monboddo, and others, a precept for infefting John Wishart as heir to his father, James Wishart of Pitarrow, in the mill and lands of Conveth (Laurencekirk), held by the abbey in chief. This

* Clerk of the Justiciary Court.

† Acta Parl. Scot., vol. ii.

‡ Reg. Mag. Sig., lib. xviii., No. 44.

§ Colonel Leslie's Family of Leslie, vol. ii., p. 150.

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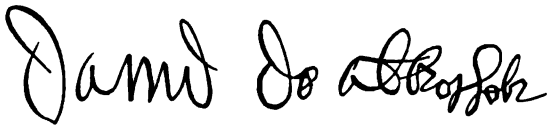
precept is not, according to usage, sealed with the official seal of the abbey, but with the abbot's private seal, on which his family arms are engraved. Beaton also attaches his signature, thus : *



On the 9th February 1531, John Wishart of Pitarrow obtained a gift of the ward of the lands of Wester Glenburny and others in the county of Kincardine, which belonged to the late James Wishart of Pitarrow, and Elizabeth Learmont his spouse, conjunct fiar thereof—the dues of which were in the king's hand.†

John Wishart died unmarried, or without issue. James, his younger brother, styled "of Carnebege," in the parish of Fordoun,‡ married, and had four sons, John, James, Alexander, and George ; and two daughters, Margaret and Christina.

Margaret Wishart married, first, William Gardyne, younger of Burrofield, and, secondly, in 1560, Alexander Tullo, son of William Tullo, younger of Craignestoun.§ Christina Wishart married John Wedderburn, burgess of Dundee. On the 29th May 1571, sasine was granted on a precept by Patrick Kinnaird of that ilk, in favour of Christina Wishart, relict of the late John Wedderburn, burgess of Dundee, in liferent ; and to George Wishart, "armigero crucis christianissimi regis Galliæ," her brother, of an annual rent of £20 Scots, furth of the corn mill of Kinnaird.‖ Alexander, third son of John Wishart of Pitarrow, married Marion, daughter of Alexander Falconer of Halkerton. On the 2d October 1556, he received precept of a royal charter for confirming him in a portion of

* Fraser's Earls of Southesk, pp. lxv., lxvi.

† Reg. Sec. Sig., vol. ix., fol. 76. ‡ *Ib.*, vol. xxvii., fol. 51.

§ Matrimonial Contract in Register of Deeds, dated 8th February 1560.

‖ Protocol Register of Thomas Ireland, Notary Public, in the Town-Clerk's Office, Dundee.

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the lands of Halkerton, granted him by Alexander Falconer.* He was, on the 1st February 1562, appointed captain and keeper "of the houses, place, and fortalice of Badgenocht and bailie of the lands, barony, and bounds of the same."† From Sir John Wishart, his eldest brother, he received, on the 24th May 1566, precept of a charter of the lands of Carnebeg,‡ in the county of Kincardine, which lands were further destined to his brother George.§

George Wishart, fourth son of John Wishart of Pitarrow, obtained military employment in France. On the 14th June 1565, sasine proceeded on a charter granted by John Wallace of Craigie, in favour of "George Wischart, brother-german of John Wischart of Pitarrow, *armiger crucis regis Galliæ*." By this charter George Wishart received the lands of Westerdoid, in the lordship of Murlachewod and shire of Forfar. The charter is dated 5th June 1565, and on behalf of George Wishart sasine is granted in the hands of his attorney, described as "George Wishart of Drymme." George Wishart of Westerdoid died unmarried. On the 5th March 1573, he nominated his sister, Christina Wishart, relict of John Wedderburn, his cessioner, or residuary legatee. ‖

John, eldest son of James Wishart of Carnebeg, and grandson of the justice-clerk, succeeded John Wishart, his uncle, in the lands and barony of Pitarrow. On the 3d October 1545, he received a gift of the non-entries of the lands of Staddokmure, otherwise Reidheuch, and others, in the county of Kincardine, which were held by Queen Mary, by reason of non-entry, since the death of umquhile ——— Strachan.¶ On the 24th March 1553, a precept of charter was granted to John Wishart, "son and heir of the late James Wishart,"

* Reg. Sec. Sig., vol. xxviii., fol. 94*b*. † *Ib.*, vol. xxxviii., fol. 31.

‡ Members of the family of Wishart, chiefly engaged in agricultural pursuits, resided at Carnebeg, in the parish of Fordoun, till the middle of the eighteenth century; they are represented by the Rev. James Wishart, pastor of Toxteth Church, Liverpool.

§ Reg. Sec. Sig., vol. xxxv., fol. 35.

‖ Protocol Book of Thomas Ireland, in Town-Clerk's Office, Dundee.

¶ Reg. Sec. Sig., vol. xix., fol. 43.

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of the lands of Bathaggarties and others, in the lordship of Mar.*

John Wishart engaged, like his grandfather, in legal studies. While prosecuting these studies at Edinburgh, it is believed that, through Learmont of Balcomie, he became acquainted with Crichton of Brunstone, Norman Leslie, and others, who were concerned in a plot against Cardinal Beaton. In connection with this conspiracy he, in April 1544, acted as messenger between Crichton and the English court. After succeeding to the paternal estates in 1545, he seems to have withdrawn from public affairs till 1557, when he joined the Earls of Argyle and Glencairn, Lord James Stuart, Prior of St Andrews, and John Erskine of Dun, in despatching a communication to John Knox at Geneva, inviting him to return to Scotland, and assuring him of general support. This communication was dated 10th March 1557; and on receiving it Knox at once undertook his journey homeward. But at Dieppe, which he reached in October, he was informed by other correspondents that the zeal of the Scottish Reformers had considerably waned, and that few would imperil their fortunes by attempting a change. Knox was much disheartened, and determined to return to Geneva. Before leaving Dieppe he addressed letters of exhortation to the leading Reformers, and private communications to the Lairds of Pitarrow and Dun.

On receiving Knox's private letters, Wishart and Erskine called together the leading Reformers, and urged them to immediate action. The result was that, on the 3d December 1557, was framed that memorable bond by which the Reformers confederated under the name of the Congregation, each becoming bound to seek the destruction of the Romish Church.† Of the Congregation Wishart continued one of the leading members. When, on the 24th May 1559, they met at Perth, to devise measures for resisting the queen regent, Wishart and Erskine were deputed to assure the

* Reg. Sec. Sig., vol. xxvii., fol. 51.

† Knox's History, edit. 1846, vol. i., pp. 267-274, 337-350, 361-451.

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royal envoys that, while they cherished no disloyal intentions, they would firmly assert their privileges. On the 4th June Wishart and Erskine attended a conference at St Andrews, with the Earl of Argyle and Lord James Stuart, who acted as representatives of the regent. Of this conference the result was favourable to the Reformed cause, and Knox at once commenced his public exposure of Romish error. The first day's preaching at St Andrews was followed by a popular insurrection, and the wrecking of the Dominican and Franciscan monasteries.

The queen regent having at length consented to grant to the body of the Congregation freedom of worship, Wishart joined a deputation in opening with her negotiations for this purpose, but the crafty princess withdrew her pledge. Wishart, with others, resented her duplicity by subscribing a manifesto declaring that she had forfeited her office as regent. He attended the convention at Berwick in February 1560, when the Duke of Norfolk, on behalf of Queen Elizabeth, agreed to support the Congregation against the power of France;* and when the English army reached Edinburgh in April, with the intention of expelling the French, he joined the nobility and barons in hailing their advent, and pledging cordial co-operation.†

In the Parliament held at Edinburgh on the 1st August 1560, John Wishart of Pitarrow is named as one of the commissioners of burghs. By this Parliament, on the 17th August, the Confession of Faith was ratified.‡ The government of the State was entrusted to twenty-four persons, eight of whom were to be chosen by the queen, and six by the nobility. Wishart was one of those selected by the nobles.§

With a view to the surrender, by the Romish clergy, of the third portion of their revenues, Wishart was, in 1561, appointed, along with certain officers of state, to prepare a valuation of ecclesiastical property.‖ On the 8th February 1561-2,

* Knox's History, edit. 1846, vol. ii., pp. 45-52.
† *Ib.*, pp. 61-64.
‡ Acta Parl. Scot., vol. ii., p. 526.
§ Keith's History, p. 152.
‖ Knox's History, vol. ii., p. 304.

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when the Earl of Murray (Lord James Stuart) was married to Agnes Keith, daughter of the Earl Marischal, he was, along with nine other notable persons, honoured with knighthood.* On the 15th February he was appointed Comptroller and Collector-General of Teinds.† In this capacity he became paymaster of the Reformed clergy. These bitterly complained of their scanty incomes, and Knox relates that the saying prevailed, "The good Laird of Pitarro was ane earnest professor of Christ; but the mekle Devill receave the Comptroller."‡

At the battle of Corrichie, fought on the 5th November 1562, between the followers of the rebel Earl of Huntly and the royal troops, Sir John Wishart was present and highly distinguished himself.§ In the Parliament held at Edinburgh on the 4th June 1563, he was appointed with others to decide as to those who should have the benefit of the Act of Oblivion, for offences committed from the 6th March 1558 to the 1st September 1560.‖

Actively employed in the State, Sir John Wishart did not overlook family affairs. On the 21st December 1557, he and his wife, Janet Falconer, received a third part of the lands of Halkerton. He, on the 21st September 1563, had the precept of a charter of the lands of Enrowglass, in the lordship of Badenoch and sheriffdom of Inverness.¶ On the 23d January 1564, he received a charter of the lands of Glenmuick, Assynt, Glentanner, Inchmarno, Tullych, Ballater, and others in the county of Aberdeen.** By a letter under the Privy Seal he was granted, on the 24th May 1565, the reversion of the lands and barony of Rothiemurchus, in the regality of Spynie and sheriffdom of Inverness, escheat by the treason of the Lord Gordon.†† On the 28th July 1565, he and his wife obtained a precept of charter, in conjunct fee, of the lands

* Knox's History, vol. ii., p. 314, note by Mr David Laing.
† Reg. Sec. Sig., vol. xxxi., Nos. 3 and 5.
‡ Knox's History, vol. ii., pp. 310, 311.
§ *Ib.*, vol. ii., p. 356.
‖ Acta Parl. Scot., vol. ii., p. 536.
¶ Reg. Sec. Sig., vol. xxxii., No. 4.
** *Ib.*, No. 131*b*.
†† *Ib.*, vol. xxxiii., No. 48.

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of Easter and Wester Balfour and Incharbak, in the county of Kincardine.*

Having joined the Earl of Murray in opposing the marriage of Queen Mary with Lord Darnley, Sir John was denounced a rebel, and obliged to seek refuge in England. Consequent on his forfeiture, the rents owing him by Mr George Gordon of Balderny were, on the 26th October 1565, granted to Mr John Gordon ;† and a debt of 300 merks owing him by Captain Alexander Crichton of Hallyard was presented to the debtor.‡ By a letter under the Privy Seal Walter Wood of Balbirgenocht obtained the rents of his lands of Pitarrow, Easter Pitarrow, Wester Mill of Petreny, Pettingardnave, Little Carnebeg, Reidhall, Easter Wottoun, Wester Wottoun, Easter Balfour, Wester Balfour, Incheharbertt, Gallowhilton, and Crofts of Kincardine, with the lands of Glentanner and Braes of Mar.§

Sir John Wishart returned to Scotland after the slaughter of David Rizzio. That event took place on the 9th March 1566, and on the 21st day of the same month, he obtained the royal pardon for "participating with the Duke of Chatelherault and Arran, Lord Hamilton, in holding the castles of Hamilton and Draffan on the 30th September last."‖ On the 24th May 1566, he granted a precept of charter of the lands of Carnebeg, in the county of Kincardine, to his brother-german, Alexander Wishart of Cosvell, and Marion Falconer, his wife, whom failing, to George Wishart, his brother-german.¶

In 1567, Sir John Wishart received a royal precept for confirming a charter of alienation by James, Earl of Murray, of the lands of Cragane, Cambusnakist, Auchindryne, Auchquhillater, Kyndrocht, and others in the lordship of Braemar.** The right of Sir John to the possession of these lands was disputed by the Earl of Mar, who brought his claim under the consideration of Parliament. On the

* Reg. Sec. Sig., vol. xxxiii., No. 95*b*.
† *Ib*., No. 115*b*.
‡ *Ib*., No. 122.
§ *Ib*., vol. xxxv., No. 45*b*.
‖ *Ib*., No. 12*b*.
¶ *Ib* No. 35.
** *Ib*., vol. xxxviii., No. 31.

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29th July 1567, the Estates of Parliament recommended a private settlement.*

In May 1567, Sir John joined the confederacy against the Earl of Bothwell. He was, on the 19th November of the same year, appointed an extraordinary Lord of Session.† In 1568 he accompanied the Regent Murray to York, and gave his sanction to the charges preferred against Queen Mary.‡

After the battle of Langside, and the assumption of the regency by the Duke of Chatelherault (formerly known as the Regent Arran), Sir John Wishart attached himself to the duke's party in opposition to his former friend and patron, the Regent Murray. In the cause of Queen Mary, he joined Sir William Kirkaldy in the Castle of Edinburgh, and became constable of the fort. He was one of eight persons by whose assistance Kirkaldy undertook to hold the castle against all assailants.§ When Kirkaldy capitulated in May 1573, he became a prisoner in the hands of the Regent Morton. On the 11th July, he was denounced a rebel, and his lands and goods were conferred on his nephew, "Mr John Wishart, son to Mr James Wishart of Balfeith."‖ He was also deprived of his office of judge. On the 18th January 1574, he was re-appointed an extraordinary Lord of Session.¶ He died on the 25th September 1576.** Sir John married Janet, sister of Sir Alexander Falconer of Halkerton, but had no children.

James Wishart, second son of John Wishart of Pitarrow and brother of Sir John Wishart, received, on the 14th April 1545, from Cardinal Beaton as Commendator of Arbroath, a precept for infefting him and Elizabeth Wood,†† his spouse,

* Acta Parl. Scot., vol. iii., pp. 476-478.

† Pitmedden MS.

‡ Memoirs of Sir James Melvil, p. 186.

§ Spottiswoode's History, Edin., 1851, vol. ii., p. 193; Melvil's Memoirs, p. 241.

‖ Reg. Sec. Sig., vol. xli., No. 90*b*.

¶ Brunton and Haig's Senators of the College of Justice, p. 138.

** Knox's History, ed. 1846, vol. ii., p. 311, note by Mr David Laing.

†† This gentlewoman was probably a daughter of David Wood of Craig, who

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in the town and lands of Balfeith, in the barony of Redhall, regality of Arbroath, and shire of Kincardine. The precept bears that the lands formerly belonged to John Wishart of Pitarrow, and were resigned by him into the cardinal's hands; it is dated at the monastery of Arbroath, and subscribed by the cardinal and twenty-one of the brethren convened in chapter. It is impressed with the round seal of the cardinal, and counter-sealed with his privy seal; it also bears the common seal of the abbey.*

James Wishart of Balfeith died in April 1575. In his will, which was executed on the 24th April of that year, he names three sons, John, James, and Alexander, and five daughters, Elspit, Christian, Jane, Isobel,† and Helen. His brother, Alexander, styled "of Carnebeg," subscribes as one of the witnesses, and Sir John Wishart, his eldest brother, is constituted "oversman" of his executors.‡

John Wishart, eldest son of James Wishart of Balfeith, succeeded to the lands and barony of Pitarrow on the death of his uncle, Sir John Wishart, in September 1576. In a Parliament held at Stirling in 1578, of which he was a member, John Wishart of Pitarrow was nominated one of the commissioners for examining the "Buik of the Policy of the Kirk," with a view to its public ratification.§ On the 16th February 1585, he was served heir to Sir John Wishart in the lands of Cairnton and others, and in Fordoun, a free burgh of barony.‖ In 1587 he awakened a legal process against the Countess of Murray "for execution of a decreet of warrandice" upon the lands of Strathtie and Braemar, granted to Sir John by the Regent Earl of Murray. In 1592 he was

was Comptroller from 1538 to 1546 (Sir John Scot's Staggering State, Edin., 1872, p. 111, note by Goodal).

* Fraser's Earls of Southesk, pp. lxv., lxvi.

† Isobel Wishart, Prioress of the Grey Sisters at Dundee, received on the 16th May 1566 the gift of a nun's portion, "with chalmer, habite, silver, fyre, candill, and all other thinges necessare within the Abbey of North Berwick" (Reg. Sec. Sig., vol. xxxv., p. 46).

‡ Edin. Com. Reg., *Testaments*, vol. iv.

§ Acta Parl. Scot., vol. iii., p. 105. ‖ Inq. Spec., Kincardine, No. 4.

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allowed by Parliament to proceed against the heirs of the Earl of Murray, but at a Parliament held at Edinburgh on the 8th June 1594, the proceedings were arrested on the grounds that the earl was under age, that the documents on which his defence rested were burned at Donibristle when the late earl was murdered, and that the estates of the earldom were heavily encumbered.*

In 1592 Sir John Wishart of Pitarrow "subscribed the band anent religion at Aberdeen." He was in the same year appointed one of the Earl Marischal's deputies, to apprehend the Earl of Huntly and others, for the burning of Donibristle, and murder of the Earl of Murray. He married Jean, daughter of William Douglas, ninth Earl of Angus. A charter under the Great Seal, "Domino Joanni Wishart de Pittarro et Dominæ Jeannæ Douglas ejus spousæ baroniarum de Pittarro, Reidhall, etc.," is dated 7th April 1603. Of this marriage were born four sons, John, James, William, and Alexander, and a daughter, Elizabeth, who married Sir William Forbes, Bart. of Monymusk. Sir John Wishart died at an advanced age before the 30th April 1607. According to Sir John Scot he lived to "a good age in good reputation." †

John Wishart, eldest son of Sir John Wishart of Pitarrow, had at the university as his companion, John Gordon, afterwards Dean of Salisbury. This divine dedicated to him in 1603 his "Assertiones Theologicæ," ‡ in these commendatory terms:

"*Nobili & generoso juueni* JOANNI SOPHOCARDIO *Pittarroensi, Joannes Gordonius Brittanno-Scotus, S. P. D.*

"Hisce diebus elapsis (Sophocardi amicissime) dū animi oblectandi gratiâ musæolum nostrum inuiseres, de controuersijs religionis nostri

* Acta Parl. Scot., vol. lv., p. 80.

† Scot's Staggering State, Edin., 1872, p. 111.

‡ The full title is, "Assertiones Theologicæ pro vera veræ Ecclesiæ Nota, quæ est solius Dei Adoratio: contra falsæ Ecclesiæ Creaturarum Adorationem. Rupell, 1603." The work is extremely rare. A copy is preserved in the Bodleian Library.

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sæculi agere cæpisti, & argumenta in medium proponere quibus nituntur nostrates pontificis Romani emissarij animum tuum ad Romana deliria allicere, quæ pro tenuitate mea diluere sategi hinc mihi in animum venit breuiusculas assertiones ex lucubrationib. nostris Theologicis colligere, per quas rationibus solidissimis euincimus Episcopos & doctores pontificios in Gentilium, Arrianorum, Nestorianorum, & Eutychianorum errores blasphemos dilapsos esse, adeò vt externæ ordinationis Episcopalis character, quem superbè jactitant, per doctrinæ corruptelam irritus & inanis euasit; ac proinde nullam veræ Ecclesiæ notam reliquam penes aulæ Romanæ adulatores permansisse. Tu verò pro ingenitâ animi tui sinceritate & zelo gloriæ Dei efflagitasti vt has easdem assertiones in publicam Ecclesiæ Dei vtilitatem emitterem, vt illis adolescentium nostratium animi præmuniantur, tanquam amuleto contra Idolomaniam pontificiam, quæ passim grassatur, & innumeram mortalium multitudinem ad animarum naufragium impellit, dū splendore honorum & diuitiarum fulgore mentis oculos illis perstringit, vt caduca bona solidis & æternis anteferant. Accipe ergo, mi Sophocardi, has assertiones quibus conficiendis ansam præbuisti, vt non tibi solum, sed & Christianis omnibus qui seruari expetunt prosint: & memoriam Georgij Sophocardij patrui tui magni in scrinio pectoris reconde; qui pro veritate Christianâ fortiter strenuèq dimicans, impiâ pseudo Episcoporum condemnatione, qui tunc rerum potiebantur apud Scotos, flammis olim traditus, nunc fruitur splendore præsentiæ Christi, pro cuius gloria propagandâ nec facultatibus nec vitæ pepercit. Vale."

This dedication may be rendered thus:

"*To the noble and excellent young gentleman,* JOHN WISHART *of the House of Pitarrow, John Gordon, a Scottish Briton, presents a hearty salutation.*

"In former days, dearest Wishart, when you attended our debating society, you discussed the religious controversies of the time, and reviewed the arguments by which emissaries of the priesthood sought to render attractive the foolish doctrines of the Romish Church. These arguments, though with less ability, I have endeavoured to expound. And it has occurred to me to select from our theological conversations some brief propositions; by which, on substantial

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grounds, we demonstrate that the bishops and learned men of Rome had lapsed into the degrading errors of the heathens, and of the Arians, Nestorians, and disciples of Eutychus; so that episcopal ordination, in which they rejoice, has through the corruption of their doctrines become foolish and absurd. In the present aspect of the papacy those corrupt persons have left no trace of the true Church. Through kindly feeling, and in your zeal for God's glory, you have urged me to publish these propositions; so that our youths might be fortified against papal idolatry, which is spreading everywhere, and wrecking men's souls, while dazzling them with the glare of worldly honour, and the fleeting splendour of terrestrial opulence. These propositions, originated in your own suggestions, accept, dear Wishart, so that they may profit not yourself only, but all who desire help. And in the treasury of your heart cherish, I pray you, the memory of your great paternal uncle, George Wishart; who, after faithfully upholding the cause of Christian truth against false bishops, then all-powerful in Scotland, was betrayed to the flames, and who now rejoices in the bright presence of Christ, for the maintenance of whose glorious doctrines he gave up his life."

About the year 1582, John Wishart married a daughter of Forrester of Carden, Stirlingshire—a union which, according to Scot of Scotstarvet,* was most obnoxious to his father. Of the marriage were born two children, a son and daughter. The daughter, whose Christian name was Margaret, married Sir David Lindsay of Edzell and Glenesk, who had in June 1605 a desperate encounter with his brother-in-law, the young laird of Pitarrow, at the Salt Tron of Edinburgh. They fought a whole day, and one Guthrie, a follower of Wishart, was killed, others on both sides being wounded. On account of this public outrage, the fathers of the two combatants were imprisoned by the chancellor, Archbishop Spottiswoode, for not putting restraint upon their sons.† John Wishart's son predeceased his father, unmarried. His Christian name is not certainly known.‡

* Sir John Scot records some gossip on the subject of this union, which it is undesirable to reproduce (Scot's Staggering State, ed. 1872, p. 111).

† Pitcairn's Criminal Trials, vol. iii., p. 61.

‡ The Christian name of young Wishart was William or Walter; the initials

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John Wishart was, on the 30th April 1607, served heir to his father in the baronies of Pitarrow and Reidhall.* He was afterwards knighted. Having become deeply involved, he sold his estates in 1615 to his younger brother James. On this event his wife retired to England, where she was maintained by her relative, Lady Annandale.† Sir John proceeded to Ireland, where he obtained a grant of some escheated lands in county Fermanagh. Some curious details respecting his career in Ireland are supplied by Father Hay in his memoir of James Spottiswoode, Bishop of Clogher.‡ According to Hay, Sir John held "twenty-four townes or tates" of Bishop Spottiswoode's lands, for which he agreed to pay £36 of yearly rent. The rent being withheld, the bishop procured a warrant of distress, and thereupon arrested Sir John's cattle. This procedure being made public, Lord Balfour of Glenawly, a Scottish settler in the county of Fermanagh,§ to whom the bishop was obnoxious, obtained, on Sir John's behalf, letters of reprisal, and with a powerful force seized cattle belonging to the bishop. Some time afterwards the bishop's servants attempted to distrain the horses of Lord Balfour, on a claim for reset, when a scuffle ensued, in which Sir John Wemyss, Balfour's son-in-law, fell mortally wounded. By Lord Balfour, the slaughter of his relative was reported to the authorities in Dublin Castle, and the bishop was charged with manslaughter. He was tried in the Court of King's Bench in November 1626, and honourably acquitted.

From a letter of Sir John Wishart, contained in Bishop Spottiswoode's Memoirs, it would appear that Lord Balfour,

W. W., with the date 1622, are inscribed on a panel which formerly belonged to the Wishart family pew in the parish church of Fordoun (Jervise's Angus and Mearns, p. 387).

* Inquisitiones Speciales, Kincardine, No. 21.

† Scot's Staggering State, p. 111.

‡ Spottiswoode Miscellany, vol. i., pp. 110-136.

§ James Balfour, second son of Sir James Balfour of Pittendriech, and brother of the first Lord Balfour of Burley, was created, 6th July 1619, Lord Balfour, Baron of Glenawly, in the county of Fermanagh.

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though retaining his hostility to the bishop, ceased to associate with Sir John. The editor of the bishop's memoirs in the *Spottiswoode Miscellany* expresses an opinion that Sir John, whose manner was boastful and absurd, suggested to Sir Walter Scott the character of Captain Craigengelt in the "Bride of Lammermoor." *

James Wishart, second son of Sir John Wishart and Jean Douglas, having acquired the lands of Pitarrow from his elder brother, had a charter thereto on the 12th December 1615. He also acquired the lands of Glenfarquhar and Monboddo. His affairs having become embarrassed, he about the year 1631 sold the lands of Pitarrow, with the lands of Carnebeg, Woodtown, and the mill of Conveth, to David, Lord Carnegie, for the sum of 59,000 merks, or £3277, 15s. 6⅔d. sterling. In the instrument of sale, "Sir John Wishart, sometime of Pitarrow" is named as still living.† In a state of poverty, James Wishart proceeded to Ireland; he became a captain in the king's service, and perished in battle. He left no male issue. His wife, Margaret Bickerton,‡ by whom he obtained a considerable fortune, survived him, and resided in Edinburgh, supported by her relations.

William, third son of Sir John Wishart of Pitarrow, and his wife, Jean Douglas, entered the University of King's College, Aberdeen, in 1606, and there graduated in 1612.§ He was admitted coadjutor in the parochial charge of Fettercairn, Kincardineshire, 24th April 1611, and was afterwards translated to Minto. He returned to Fettercairn in 1618, and was in May 1630 translated to South Leith. In 1634 he sat as a member of the Court of High Commission, and was admitted a burgess and guild-brother of Edinburgh on the 27th July 1636. As an opponent of the Covenant, he was on the 9th

* Spottiswoode Miscellany, vol. i., p. 134.

† Fraser's Earls of Southesk, p. lxvii. By the representative of Lord Carnegie, the estate of Pitarrow was sold in 1831 to Alexander Crombie of Phesdo, to whose family it still belongs.

‡ Pitarrow Writs, quoted by Mr Fraser in his "Earls of Southesk."

§ Fasti Aberdonensis.

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June 1639 deposed from the pastoral office, and, having supported Charles I. in the assertion of his prerogative, was forced to leave Scotland. He resided several years in Cornwall, and there died. He published in 1633 an "Exposition of the Lord's Prayer," 18mo; and in 1642 "Immanuel," a poem. He married Elizabeth, daughter of Alexander Keith of Phesdo, who was served heir to her father on the 25th April 1634. Of this marriage was born a son, John, who was killed fighting on the king's side, at the battle of Edgehill, 23d October 1642.*

Alexander, fourth son of Sir John Wishart and Jean Douglas, entered the University of King's College, Aberdeen, in 1626. He married Catherine, daughter of the Rev. Robert Kerr, minister of Linton, and had a son, William.

William Wishart, son of Alexander Wishart and Catherine Kerr, graduated in the University of Edinburgh in 1645. In August 1649, he was admitted minister of Kinneil,† Linlithgowshire. Joining the Protesters, he was a member of the Dissenting Presbytery from the 6th August 1651 to the 11th February 1659. By the Committee of Estates, he was, on the 15th September 1660, ordered to confine himself to his chamber, and in other five days was committed to prison at Edinburgh. After an imprisonment of thirteen months, partly in Stirling Castle, he was, on the petition of the Presbytery of Linlithgow, restored to freedom. Being sequestrated for refusing to disown the "Remonstrance,"‡ he was deprived of his stipend, which, however, the Estates of Parliament, by an Act passed on the 29th January 1661, granted to his wife. He was intercommuned by the Privy Council on the 6th August 1675, on the charge of keeping conventicles, or preaching without public sanction. On the 5th February 1685, sentence of banishment to his Majesty's plantations was pronounced against him for his refusing the Test, but he

* Scott's Fasti Eccl. Scot., vol. iii., p. 866; and vol. i., p. 99.

† This parish is now united to Borrowstounness.

‡ A document addressed by the General Assembly of February 1645 to Charles I., reflecting on his conduct in the severest terms.

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was relieved on granting a bond to appear when called upon. He afterwards resided at Leith; and when the Toleration Act was passed, he ministered to a congregation in that place. He died in February 1692, about the age of sixty-seven.* He married Christian, daughter of Richard Burne, of the family of Burne of Middlemill, Fifeshire, a magistrate of Linlithgow. Of this marriage were born three sons—George, James, and William.

George Wishart, eldest son of the Rev. William Wishart, minister of Kinneil, obtained a commission in the army, and became lieutenant-colonel of the Dragoon Guards. He purchased the estate of Cliftonhall, Edinburghshire. A royal warrant, dated 19th April 1700, authorised a patent to be prepared, conferring on him, with remainder to his heirs whomsoever, a baronetcy of Scotland. This honour was conferred on the 17th June 1706, with the limitation originally designed. Sir George Wishart, Bart., married, as his first wife, Anne, daughter of —— Barclay of Colairney, Fifeshire, by whom he had a daughter, Margaret, who espoused David Stuart of Fettercairn. On the death of Sir George, which took place prior to August 1722, her eldest son succeeded to the baronetcy of Wishart, and became known as Sir William Stuart, Bart. This branch of the Wishart family is now represented by Harriet Williamina, only child of the late Sir John Hepburn-Stuart Forbes, Bart. of Pitsligo, and wife of Baron Clinton.

Sir George Wishart, Bart., married, secondly, Fergusia M'Cubbin, of a Galloway family, by whom he had two daughters, Fergusia and Cordelia. By a deed of entail, dated 4th January 1718, he conveyed his estate of Cliftonhall to himself and his heirs-male, whom failing, to his daughter Fergusia. On the death of Sir George Wishart, without heirs-male, Fergusia Wishart expede a general service as heiress of provision to her father, whereby she took up the unexecuted procuratory of resignation, and obtained a charter from the superior of the estate of Cliftonhall, conform to an

* Fasti Eccl. Scot., vol. i., p. 172.

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instrument of sasine.* In 1727, she married George Lockhart of Carnwath, Lanarkshire. She is now represented by Alexander Dundas Ross Wishart Baillie Cochrane of Lamington, M.P. for the Isle of Wight.

Cordelia Wishart, younger daughter of Sir George Wishart, Bart., by his second marriage, married William Sinclair of Rosslyn; she died without surviving issue.

James, second son of the Rev. William Wishart, minister of Kinneil, entered the Royal Navy, and in 1703 became Admiral of the White. In 1708, and from 1712 to 1714, he was a Lord of the Admiralty. He commanded a fleet in the Mediterranean, and was knighted by Queen Anne. He died without issue in May 1723, leaving a fortune of £20,000 to his nephew, William Wishart, Principal of the University of Edinburgh.

William, third son of the Rev. William Wishart, minister of Kinneil, studied at the universities of Utrecht and Edinburgh, graduating at the latter in 1680. In 1684 he suffered imprisonment on a charge of denying the king's authority. On the 10th August 1691, he was ordained minister of the first charge of Leith. His settlement was resisted by the adherents of Mr Charles Kay, the non-jurant incumbent of the second charge. On the following day he preached under the protection of an armed "guard." He was translated to the Tron Church, Edinburgh, in 1707, and in 1710 was appointed Principal of the University of Edinburgh, an office he held along with his parochial charge. He received the degree of D.D., and was on five occasions chosen Moderator of the General Assembly. He published two volumes of discourses, and greatly excelled in his public ministrations. He married Janet, daughter of Major William Murray, brother of John Murray of Touchadam, Stirlingshire, and who on the 8th June 1714 was served heir-portioner of her aunt, Mrs Anne Cunningham of Drumquhassel; she died on the 30th June 1744. Principal Wishart died on the 11th June 1729, in his

* Particular Register of Sasines, 10th December 1726.

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sixty-ninth year.* He was father of two sons, William and George.

George, younger son of Principal William Wishart, studied at the University of Edinburgh, and there graduated 27th May 1719. He was in June 1726 ordained minister of St Cuthbert's, Edinburgh, and translated to the Tron Church in July 1730. By the Commission of the General Assembly he was, in 1743, appointed one of their delegates to procure an Act of Parliament for establishing the Ministers' Widows Fund. In May 1746, he was elected principal clerk of the General Assembly, and in 1748 was chosen Moderator. He received the degree of D.D. in 1759, and in 1765 was appointed chaplain in ordinary to the king, and one of the Deans of the Chapel Royal. Esteemed as a preacher, he was beloved for his amiable manners. He died 12th June 1785, aged eighty-three.† He married Anne, daughter of John Campbell of Orchard, cousin and heir of Sir James Campbell, Bart. of Ardkinglass, by whom he had, with other daughters who died unmarried, Janet, who married Major-General Beckwith, and Jane, who married the Baron von Westphalen. Dr George Wishart died 17th November 1782, aged seventy-two.

William Wishart, elder son of Principal William Wishart, studied for the Scottish Church, and began his ministry as pastor of the Presbyterian church, Founder's Hall, London. In 1737 he was presented to the New Greyfriars' church, Edinburgh, but his settlement was delayed consequent on a charge of heresy being brought against him by the Presbytery, of which he was acquitted by the General Assembly. He was, in 1737, appointed Principal of the University of Edinburgh, and in 1745 was elected Moderator of the General Assembly. He published sermons and essays, and edited various theological works. He married first, in December 1724, Margaret, daughter of Professor Thomas Haliburton of St Andrews, and by her, who died 27th February 1746, had

* Fasti Eccl. Scot., vol. i., pp. 56, 101.

† *Ib.*, pp. 56, 121.

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a son, William Thomas; another son, who died in January 1739; and three daughters—Anne, who died in 1819, aged eighty-two; Janet, who married Mr Maxwell, merchant, Dundee; and Margaret, who married James Macdowall, merchant, Edinburgh. Principal Wishart married, secondly, on the 17th March 1747, Frances, daughter of James Deans of Woodhouselee. He died 12th May 1753. His widow married Dr John Scot of Stewartfield, and subsequently John Struther Ker of Littledean, Roxburghshire.*

William Thomas Wishart, only surviving son of Principal William Wishart, possessed the estate of Foxhall, in the county of Linlithgow. He was, on the 30th March 1768, served heir to his father in the estate of Carsebonny, Stirlingshire. He recorded his arms † 22d February 1769, as only son of Principal Wishart, and was allowed supporters as heir-male of Pitarrow. He married, in April 1768, Anne, eldest daughter of George Balfour, Writer to the Signet, and died 3d December 1799, leaving five sons, William, George, Patrick, Archibald, and John Henry.

William, eldest son of William Thomas Wishart of Foxhall and Carsebonny, succeeded his father. He was major in the 15th Regiment of Foot, and died unmarried on the 14th August 1805. On his death the representation of the House of Pitarrow devolved on his brother George; but the family estates passed by settlement to his next brother, Patrick. George Wishart was served heir-male of Sir George Wishart, Bart., before the Sheriff of Edinburgh, 18th July 1843, and assumed the baronetcy under the erroneous belief that it was destined to heirs-male. He died unmarried before 1860.

Patrick, third son of William Thomas Wishart, was a Writer to the Signet. He sold the family estates. By his wife, Margaret, daughter of Alexander Robertson of Prenderguest, Berwickshire, he had three sons, William Thomas, James, and Alexander, and three daughters, Philadelphia-Anne, Hope-Balfour, and Jane. William Thomas, the eldest son, took orders in the English Church; he died at St John, New Brunswick,

* Fasti Eccl. Scot., vol. i., pp. 59, 70. † Lyon Register.

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without issue. The two younger sons died unmarried. Philadelphia-Anne, the eldest daughter, married Dr Macnider; and Jane, the third daughter, married Major-General W. J. Gairdner, C.B., Bengal Army, by whom she had Archie Wishart Gairdner, lieutenant 109th Regiment, George Gairdner, in the service of the Hudson Bay Company, James Gairdner, R.N., and others.

Archibald, fourth son of William Thomas Wishart, was a Writer to the Signet, and keeper of the Register of Sasines. He married, but died childless.

John Henry, the fifth son, practised as a surgeon in Edinburgh. He married Louisa, daughter of Major Wilson, R.A., by Martha, daughter of Robert White, M.D., of Bennochy, Fifeshire, and left three sons and two daughters. William, the eldest son, died in India; the second son, James, was a surgeon in the army, and died at Scutari in 1856. John, the third son, male representative of the House of Wishart of Pitarrow, is now resident in Australia.

Adam Wishart, third son of John Wishart, Sheriff of the Mearns or Kincardineshire, obtained, in 1272, a charter of the lands of Ballandarg and Logie, and in 1279 a charter of the lands of Kenny Murchardyn, or Kennyneil, all in the county of Forfar.* Gilbert, eldest son of Adam Wishart, swore fealty to Edward I. at Elgin on the 24th July 1296.† Robert, the second son, was advanced from the office of Archdeacon of Lothian to the Bishopric of Glasgow in 1272, when William Wishart of that see was postulated to St Andrews. According to the Chartulary of Melrose he was consecrated at Aberdeen on Sunday before the Feast of the Purification, 1272. He was a Privy Councillor of Alexander III., and on the death of that monarch in 1285 was appointed a Lord of Regency. So long as Edward I. evinced a desire to uphold the independence of Scotland, Bishop Wishart gave him countenance. But when the abdication of Baliol revealed the duplicity of the English monarch, he attached

* Dalrymple's Historical Collections, 217; Reg. Vet. de Aberd., 332.

† Ragman Roll, p. 146.

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himself to the patriotic party, and in 1297 joined the standard of Wallace. Though a churchman, he assumed the coat of mail, and performed military duties in the field.

When Robert the Bruce resolved to assert his right to the Scottish throne in the spring of 1306, Bishop Wishart gave him a cordial support, and at his coronation, which took place at Scone on the 27th March, he, in absence of the regalia, which Edward had removed to London, supplied from his own wardrobe the robes in which King Robert appeared on the occasion. He was present with his sovereign at the battle of Methven, fought on the 18th of June. This engagement having resulted disastrously, Bishop Wishart sought shelter in the castle of Cupar-Fife. There he fell into the hands of the invaders, and being bound in chains, was sent as a prisoner to England. Confined in the castle of Nottingham, he was subjected to much indignity, and narrowly escaped death. He was afterwards detained in Porchester Castle, and the Pope was entreated to make vacant his see and to appoint as his successor a bishop favourable to the English interests.*

After the decisive battle of Bannockburn, Bishop Wishart was, along with Bruce's wife, daughter, sister, and nephew, exchanged for the Earl of Hereford, who had been made a prisoner by the Scots. During his long confinement he had endured many privations, and become blind. He died on the 26th November 1316, and his remains were deposited in his cathedral church.† During his episcopate, he forwarded the erection of his cathedral. It was alleged by Edward I. that he used timber, allowed him for erecting a steeple to his cathedral, in constructing instruments of war for the reduction of Kirkintilloch Peel, held by the English.‡

John Wishart, nephew of Bishop Robert Wishart, and prob-

* Rymer's Fœdera, vol. i., part ii., new ed., p. 996; Prynne; Edward I., p. 1156; Tytler's History of Scotland, Edin., 1869, 12mo, vol. i., pp. 89, 94.

† History of Glasgow, edited by the Rev. J. S. Gordon, D.D., Glasg., 1871, p. 53.

‡ Burton's History of Scotland, Edin., 1873, vol. iii., p. 429; Innes's Sketches of Early Scottish History, Edin., 1861, p. 50.

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ably a younger son of Gilbert Wishart of Logie, was sometime Archdeacon of Glasgow. In this capacity he vigorously upheld the national cause, but was unhappily taken prisoner by Edward II., who, on the 6th April 1310, ordered his removal from the castle of Conway to the city of Chester, and from thence to the Tower of London. Released after the battle of Bannockburn, he resumed his duties as archdeacon. In 1319 he was appointed Bishop of Glasgow. He died in 1325.*

To the family of Ballandarg and Logie probably belonged John Wyshert, who, on the 12th April 1378, received from the Privy Council of England a passport, authorising him to proceed from Scotland to the University of Oxford for the purposes of study.†

Alexander Wishart was, in 1409, member of an inquest respecting the lands of Meikle Kenny, in the parish of Kingoldrum, Forfarshire. In a charter of these lands, granted by Malcolm, Abbot of Arbroath, in 1466, is named John, son of John Wishart of Logie.‡

In 1526 John Wishart succeeded his father Alexander in the lands of Kennyneil.§ On the 22d October 1530, he obtained a precept of a charter of the lands of Logie Wishart, Ballandarg Wester, and others.‖ He had, on the 30th January 1531, a letter of regress of the lands of Lokarstoun and others.¶ On the 31st July 1538, a protection was granted by James V. to John Wishart of Logie Wishart, and Christian Ogilvy, his spouse, with John, Alexander, Katherine, and Christian Wishart, their sons and daughters, and William Wishart, brother to the said John, and to their lands and goods.**

On the forfeiture of Archibald, Earl of Angus, superior of Logie Wishart, John Wishart resigned his lands to James V., from whom, on the 29th May 1540, he received

* Gordon's History of Glasgow, p. 58.
‡ Reg. Nig. de Aberd., pp. 47, 50.
‖ Reg. Sec. Sig., vol. viii., fol. 195.
** *Ib.*, vol. xii., fol. 6.
† Rotuli Scotiæ, vol. ii., p. 8*a*.
§ *Ib.*
¶ *Ib.*, vol. ix., fol. 72.

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a charter of the lands of Logie Wishart and others.* He further obtained a royal charter, erecting his whole lands into a barony, to be styled "the barony of Wishart," and a letter, dated 14th October 1540, whereby the king's right to the said barony was discharged.† This branch of the House of Wishart became henceforth known as the Wisharts of that ilk.

Alexander Strachan, son of John Wishart of Logie Wishart (named in the protection of James V.), died in November 1569, leaving three daughters—Margaret, Isobel, and Janet. By his will, which was confirmed in the Commissary Court of Edinburgh, on the 6th April 1570, he appointed his brother George Wishart tutor to his daughters.‡

George Wishart, a younger son of John Wishart of Logie Wishart, became a burgess of Dundee, and engaged in merchandise in that place. In the burgh records of Dundee "George Vischart" appears eighth in a list of sixteen councillors, dated 28th September 1550. He is, on the 24th September 1553, entered last on a list of four bailies. In the Record of the Convention of Royal Burghs,§ held at Dundee on the 28th September 1555, he is named as one of the commissioners of that burgh. He continued to act as a magistrate in the Burgh Court till 1564.

On the 28th October 1563, George Wishart obtained a precept of a charter, confirming him in the superiority lands of Kirriemuir, granted to him by his father, "John Wishart of that ilk."‖ On the 27th January 1554-5, he granted a discharge to his brother, John Wishart of that ilk, for five hundred merks, in satisfaction of his claim on half the lands of Ballandarg.¶ By a royal letter, dated at Stirling, 7th March 1568, he received a gift of all the goods which belonged to James Cramond of Auldbar, which had become escheat by his being denounced rebel.

* Reg. Sec. Sig., vol. xiii., fol. 93.
† *Ib.*, vol. xiv., fol. 52*b*; Acta Parl. Scot., vol. ii., p. 379.
‡ Edinburgh Com. Reg., *Testaments*, vol. ii.
§ Record of Convention of Royal Burghs, Edin., 1866, 4to, vol. i., p. 10.
‖ Reg. Sec. Sig., vol. xxxii., p. 11*b*.
¶ Wedderburn's Protocols in the Town-Clerk's Office, Dundee.

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John Wishart of Logie Wishart died in the year 1574. By his will, dated 2d September 1574, he appointed Marion Gardyne, his spouse, and Thomas Wishart, his second son, his executors, with Patrick Ogilvy of Inchmartin as "oversman." To his daughter Euphan he bequeathed £500; he also made a provision for his daughters, Mirabell, Agnes, and Katherine.*

John Wishart, the next baron of Logie Wishart, obtained the honour of knighthood. He had two sons, John and Gilbert, and one daughter. Gilbert Wishart was, on the 30th November 1614, denounced rebel for non-payment of a debt of eighty pounds Scots.†

On the 30th October 1629, John Wishart of that ilk was served heir to his uncle, in lands situated in the regality of Kirriemuir; also to his father, Sir John Wishart, in the lands of Kennyneil.‡ He seems to have died unmarried.

Thomas Wishart, probably the same as is described as "his second son" by John Wishart of Logie Wishart, who died in 1574, obtained a portion of the lands of Inglistoun, in the county of Forfar. On the 11th January 1612, Thomas Wishart "in Ballindarg" was served heir to his father in a fourth part of the lands of Inglistoun.§ He married‖ the only daughter of Sir John Wischart of Logie Wishart, and on the death of his brother John, succeeded to the representation of the House. But the estates were dissipated. Of the marriage of Thomas Wishart "in Ballindarg" with his cousin, a daughter of Sir John Wischart of that ilk, were born two sons, George¶ and Gilbert. George Wishart was born about the year 1599. Having prosecuted his theological studies at the University of Edinburgh, and obtained licence as a probationer, he was in 1624 admitted minister of the parish

* Edinburgh Com. Reg., *Testaments*, vol. iii.

† Reg. Sec. Sig.

‡ Inq. Spec. Forfar, Nos. 188, 189. § *Ib.*, No. 76.

‖ Genealogical MS. in the Lyon Office.

¶ Though the statement in the text as to the Bishop George Wishart's descent seems justified by the authority of Nisbet, we are only certain that the Bishop sprung from the House of Logie Wishart.

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of Monifieth, Forfarshire. In 1626 he was translated to the second charge of St Andrews. Having retired to England in 1637, he was deposed for deserting his charge. Soon afterwards he was appointed lecturer in All Saints church, Newcastle, and in 1640 was presented to St Nicholas church in the same town. Of this latter charge he was deprived by the House of Commons in June 1642. When the Scots took Newcastle in October 1644, he was made prisoner, and on the charge of corresponding with Royalists, was committed to the prison of Edinburgh, and there confined in a felon's cell. On his petition, the Estates of Parliament, in January 1645, agreed to support his wife and five children. When the Marquis of Montrose arrived in Edinburgh with his victorious army, he was liberated, after a captivity of seven months. By the Marquis he was appointed his private chaplain, and in this capacity he accompanied his benefactor both at home and abroad. At Paris, in 1647, he published a narrative of the Marquis's exploits under the following title:

"J. G. De rebus auspiciis serenissimi et potentissimi Caroli, Dei gratia, Magnæ Britanniæ Regis, &c., sub imperio illustrissimi Jacobi Montisrosarum Marchionis, Cometis de Kincardin, &c., supremi Scotiæ gubernatoris, anno MDCXLIV. et duobus sequentibus, præclare gestis, commentarius."

Wishart subsequently added a second part, bringing the narrative down to the period of Montrose's death. A copy of the work was suspended round Montrose's neck during his execution.

After the fall of Montrose, Wishart became chaplain to a Scottish regiment in the United Provinces; he subsequently officiated as chaplain to Elizabeth, Queen of Bohemia. On the Restoration, he was appointed rector of Newcastle, and on 3d June 1662 was consecrated Bishop of Edinburgh. He died in August 1671, in his seventy-second year. Though a vigorous upholder of the royal prerogative, he was privately a lover of toleration. To the prisoners captured at the engage-

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ment at Pentland in 1666, and warded in prison at Edinburgh, he sent daily a portion of his dinner. He bequeathed to the poor of Holyrood £500 Scots.* On an elegant mural monument raised to his memory in the Abbey of Holyrood is the following inscription:

"Hic recubat celebris Doctor Sophocardius alter,
Entheus ille Σοφοσ καρδιαν Agricola.
Orator fervore pio, facundior olim
Doctiloque rapiens pectora dura modis.
Ternus ut Antistes Wiseheart, ita ternus Edinen.
Candoris columen nobile, semper idem.
Plus octogenis hinc gens Sophocardia lustris,
Summis hic mitris claruit, atque tholis;
Dum cancellarius regni Sophocardius, idem
Præsul erat Fani, Regulæ Sanctæ, tui.
Atque ubi pro regno, ad Norham, contendit avito
Brussius, indomita mente manuque potens;
Glasguus Robertus erat Sophocardius alter,
Pro patria, qui se fortiter opposuit.
Nec pacis studiis Gulielmo, animisve Roberto,
Agricola inferior, cætera forte prior;
Excelsus sine fastu animus, sine fraude benignus,
Largus opis miseris, intemerata fides.
Attica rara fides; constantia raraque, nullis
Expugnata, licet mille petita, malis.
In regem, obsequii exemplar, civisque fidelis
Antiquam venerans, cum probitate, fidem.
Omnibus exutum ter, quem proscriptio, carcer,
Exilium, lustris non domuere tribus.
Ast reduci Carolo plaudunt ubi regna secundo,
Doctori Wiseheart insula plaudit ovans.
Olim ubi captivus, squalenteque carcere læsus,
Annos ter ternos, præsul honorus obit.
Vixit Olympiadas terquinas; Nestoris annos
Vovit Edina: obitum Scotia moesta dolet.
Gestaque Montrosei, Latio celebrata cothurno:
Quantula (proh) tanti sunt monumenta viri!"

* Fasti Eccl. Scot., vol. i., p. 392; vol. ii., p. 394; vol. iii., p. 724.

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Bishop Wishart's epitaph may be thus rendered in a free translation :

"Here rest the remains of the distinguished Doctor George Wishart, the third bishop of his name. Gifted with superior wisdom and piety, he by his eloquence and learning moved the stubborn and reclaimed the vicious. A pattern of honour, he maintained a consistent and upright life. For four hundred years, the members of his House were remarkable both in Church and State. William Wishart was Chancellor of the kingdom and Bishop of St Andrews. Robert Wishart was Bishop of Glasgow, and a zealous supporter of King Robert the Bruce, and an upholder of the national cause. Bishop George equalled Bishop William in his love of peace, and Bishop Robert in his patriotic valour. He celebrated the exploits of the great Montrose. In his deportment, dignity was unallied with pride. The poor shared largely of his bounty. His generous emotions neither misplaced confidence nor misfortune might arrest or overcome. Loyal to his sovereign, he was devoted to his country. Thrice deprived of his substance, he faithfully endured impeachment, imprisonment, and exile. Having long suffered adversity, he was privileged on the restoration of monarchy to experience comfort. In the city where he was cruelly imprisoned, he was for nine years an honoured bishop. He attained the venerable age of [seventy-two]. Edinburgh wished that he might reach the years of Nestor, and Scotland bewailed his death."

Bishop Wishart married Margaret Ogilvy, by whom he had four sons, Hugo, Captain James, Patrick, and Robert, and two daughters, Jean and Margaret. Jean, the elder daughter, married William Walker.*

Gilbert Wishart, younger son of Thomas Wishart in Ballandarg, graduated at King's College, Aberdeen, in 1622. Prior to the 17th March 1635, he was admitted to the pastoral charge of Dunnichen, Forfarshire. He died in January 1688, aged about eighty-six, leaving a son, John, and a daughter, Isobel, who married John Ogilvie in Easter Idvie.†

John Wishart was Regent of Philosophy in the University of Edinburgh, and one of the Commissaries of Edinburgh.

* Fasti Eccl. Scot., vol. i., p. 392. † *Ib.*, vol. ii., p. 768.

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He owned the estate of Balgavie, which he latterly exchanged for the barony of Logie Wishart.* He is described by Nisbet as "nephew to the bishop, and great-grandson of Sir John Wishart of Logie." †

In the beginning of the sixteenth century or earlier, a branch of the House of Pitarrow obtained the lands of Drymme or Drum, near Montrose. In an instrument dated 14th June 1565, seising George Wishart, brother of John Wishart of Pitarrow, in the lands of Westerdoid, Forfarshire, George Wishart of Drymme is named as his attorney.‡ To the discharge of an assignation by the laird of Dun, dated 17th June 1581, George Wischart of Drimme is a witness.§ On the 7th June 1580, George Hepburn, Chancellor of Brechin, directed to him as bailie a precept of sasine for infefting Paul Fraser, precentor of Brechin, in a portion of waste land. ‖

To George Wishart, elder of Drymme, was granted on the 7th August 1591, a royal charter of the moor called Menboy.¶ By George Wishart of Drymme, son of the preceding, the moor of Menboy was, on the 26th July 1605, sold to Alexander Campbell, Bishop of Brechin, and Helen Clephane, his second wife.**

Of the family of Wishart of Drum, certain members settled in the parish and burgh of Montrose. In the parish register of Montrose, "George Wyscheart, guidman of Irvine," is, on the 22d October 1624, named as witness to a baptism. *Bailie* George Wyschart is mentioned in the baptismal register on the 22d March of the same year. On the 2d March 1649, James Wischart, described as lawful son of Mr James Wischart, burgess of Montrose, had sasine of a tenement in Brechin as nearest of kin to Thomas Ramsay of Brechin, notary public, his uncle.†† In 1656 James Wischeart is named as a member of the town council of

* Genealogical MS. in the Lyon Office, p. 477.
† Nisbet's System of Heraldry, vol. i., p. 201.
‡ Protocol Book of Thomas Ireland in the Town-Clerk's Office, Dundee.
§ Reg. Episc. Brechin., p. 309, No. 272. ‖ *Ib.*, p. 215, No. 193.
¶ *Ib.*, p. 286, No. 246. ** *Ib.*, p. 292, No. 253. †† *Ib.*, p. 247, No. 189.

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Montrose, and on the 28th October of the same year, Mr James Wishart, a son of the preceding, was chosen "doctor" or rector of the grammar school.

Mr James Wishart, rector of the grammar school of Montrose, was father of a son, William, and three daughters, Jean, Margaret, and Elizabeth. He died 11th September 1683.* William Wishart studied at the University of Edinburgh, and was, on the 23d April 1669, ordained by George Wishart, Bishop of Edinburgh, minister of Newabbey. He was, in 1680, translated to Wamphray, where he died unmarried in February 1685.

Elizabeth, third daughter of Mr James Wishart, born November 1664, married Robert Strachan, rector of the grammar school of Montrose, descended from the ancient House of Strachan of Thornton, Kincardineshire. †

By patent, dated 22d February 1769, the arms of William Thomas Wishart, head and representative of the House of Pitarrow, were recorded in the Lyon Register: *argent*, three piles or passion nails, meeting in a point, *gules*; *supporters*—two horses, *argent*, saddled and bridled, *gules*; *crest*—a demi-eagle, wings expanded, proper.

* Fasti Eccl. Scot., vol. i., pp. 597, 664; Montrose Parish Records.
† Montrose Parish Records.

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DOMESTIC EVERYDAY LIFE, MANNERS, AND CUSTOMS IN THE ANCIENT WORLD.

By GEORGE HARRIS, LL.D., F.S.A.,
Fellow of the Royal Historical Society, and Vice-President of the Anthropological Institute.

THERE is nothing which contributes more fully to throw light on the manners and habits of a people, or more forcibly to exhibit to us the tone of thought which prevailed among them, than the rites and ceremonies that they adopted connected with their religion. And the wilder and more extravagant the superstitions which in such a nation prevailed, the more strikingly do they evince the tone of thought and feeling that animated the people. Potent everywhere, and under whatever phase, as was the influence of these notions, they served in each case to develop the whole mind and character of the nation; as each passion, and emotion, and faculty, were exerted to the very utmost on a subject of such surpassing interest to them all. Imagination here, relieved from all restraint, spread her wings and soared aloft, disporting herself in her wildest mood; and the remoter the period to which the history of any particular country reaches, and the more barbarous the condition in which the people existed, the more striking, and the more extraordinary to us, appear the superstitions by which they were influenced. Human nature is by this means developed to the full, all its energies are exerted to the utmost, and the internal machinery by which its movements are impelled, is stimulated to active operation. We gaze with wonder and with awe upon the spectacle thus exhibited. However involuntarily, we respect a people—misguided and erring as they were—whose eagerness to follow

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whatever their conscience prompted, urged them to impose such revolting duties on themselves; while we regard, with pity and with horror, those hideous exploits which were the fruit of that misguided zeal. Through the wide and varied range of the history of the world, no subject can be found which exceeds this in the interest that it excites in every reflecting mind; nor in the instruction which, to those of every period and of every country alike, it is capable of imparting.

In the consideration of the branch of the subject now before us, we have not, as in the former cases, to inquire into the invention of the system by the ingenuity of man; but to endeavour to ascertain by what means, the system itself—which had probably been originally imparted in all its grand and leading features to the mind of man by the Divinity himself—became perverted and corrupted by the carelessness or wilfulness or ignorance of man. A rude curiosity urged him to try and discover the truth that had been obscured, or to find out for himself some new truth which would conduct him in safety on his career. When mankind had lost the knowledge of the true God, they at once set to work to invent gods for themselves. The sun, moon, and stars, from their majesty, and their apparent influence on our world, offered themselves as immediate objects of adoration. After them, certain animals were selected for this purpose. One ancient writer causes Momus to express his surprise and indignation at the Egyptian crew of apes, goats, bulls, and other creatures, who were allowed, according to their notions, to intrude into heaven; and wonders how Jupiter can tolerate all this, and allow himself to be caricatured in ram's horns. To which Jupiter replies, that they were mysteries not to be decided by the ignorant and uninitiated. In some parts of Egypt, the crocodile was an object of worship.†

After animals, mankind were led to worship the elements of fire and water, in the seas and rivers near the spots where they lived; and whose constant motion might perhaps have induced persons to associate with them some notion of vitality

* Note to Sir H. Rawlinson's Herodotus, vol. ii., pp. 51, 52. † *Ib.*, p. 64.

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and intelligence. In the absence of having real objects of worship, rude representations of them were in time adopted, whether of wood or stone, whence arose the origin of idolatrous worship; and the necessity of providing receptacles for these images, and for those who were required to take care of them, and to assist in the ceremonies used at such worship, may have originated temples and a priesthood.

The earliest idols, we are told, were rude stocks. Sometimes they were roughly hewn, so as to increase their resemblance to a man or an animal. In other cases large blocks of stone were selected for the purpose, on which were cut the names of the gods they were intended to represent. No sort of idol was more common than that of oblong stones erected. In some parts of Egypt they were to be seen on each side of the highways. These stones were generally rendered black, which seems to have been thought in those times the most solemn colour, and suitable for objects dedicated to religious purposes. Some persons are of opinion that their true original is to be derived from the pillar of stone which the patriarch Jacob erected at Bethel. Many of the superstitions rife among the Druids, are supposed to have been derived from Egypt, among which was the worship of the serpent; whence arose the serpentine form in which many of their temples were constructed, and probably also the serpentine lines still to be traced on several of their monuments. Rude stones, sometimes horizontal, sometimes perpendicular, some intended for monuments, others for altars, and groups of them for temples, were also used by those who, in this country and in France, professed the religion of the Druids.

Several of the barbarous nations worshipped mountains. When the art of sculpture had been invented, rude stones and stocks were carved so as to resemble real and living beings, generally men, but sometimes animals. This we also observe in the Druidical relics which are still in existence, a remarkable instance of which is afforded by the carvings, mainly serpentine lines, in the interior of the famous Druidical temple on the island of Gâvr Innis, near the coast of Brittany.

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Among the ancient Greeks, their statues were generally made of wood. Those trees which were sacred to any god, were generally thought most acceptable to him; and therefore Jupiter's statue was made of oak, Venus's of myrtle, that of Hercules of poplar, and Minerva's of the olive tree.* The learned Bishop Godwin, in his work on the civil and ecclesiastical rites of the ancient Hebrews,† refers to the images possessed by Laban, which he supposes to have been used as household gods; and the writer remarks that "among other reasons why Rachel stole away her father's images, this is thought to be one, that Laban might not by consulting with these images discover what way Jacob took his flight."

The first generations of men, we are told, had neither temples nor statues for their gods, but worshipped towards heaven in the open air. The Greeks and most other nations, worshipped their gods upon the tops of high mountains. And even Abraham was commanded by God to offer his son Isaac upon one of the mountains in the land of Moriah. In later ages, temples were often built upon the summits of mountains; and both at Athens and Rome the most sacred temples stood in the highest parts of the city. Several of the heathen temples are thought to have been at first only stately monuments erected in honour of the dead. The temples in the country were generally surrounded with groves sacred to the tutelar deity of the place where, before the invention of temples, the gods were worshipped. The entrance was towards the west, and the altars and statues towards the east; so that they who came to worship might have their faces towards them, because it was an ancient custom among the heathens to worship with their faces towards the east.‡

The earliest Grecian temples were made of wood, out of which, in the natural progress of improvement, grew those of stone. Nearly all the Grecian temples had the same form—that of a barn, ornamented with columns upon the fronts and sides.

* Potter's Grecian Antiquities, pp. 225, 226.

† Lib. iv., chap. ix., p. 171. ‡ Arts of Greeks and Romans, vol. i., p. 295.

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Herodotus tells us, with regard to the Persians, that "it is not their practice to erect statues, or temples, or altars, but they charge those with folly who do so; because, as I conjecture, they do not think the gods have human forms, as the Greeks do. They are accustomed to ascend the highest parts of the mountains, and offer sacrifice to Jupiter, and they call the whole circle of the heavens by the name of Jupiter. They sacrifice to the sun and moon, to the earth, fire, water, and the winds. To these alone they have sacrificed from the earliest times." *

Among the Romans, the places dedicated to the worship of the gods were called temples, and were consecrated by the augurs, being since called *Augusta*. A small temple or chapel was called *Sacellum*. A wood or thicket of trees consecrated to religious worship, was called *Lucus*, a grove. The gods were supposed to frequent woods and fountains. Moreover, the solitude of groves was thought very fit to create a religious awe and reverence in the minds of the people. Some indeed are of opinion that groves derived their religious character from the primitive ages of man, who lived in such places before the building of houses. Thus, from the houses of men were derived the temples and habitations of the gods.

Originally, altars were often erected under the shade of trees, and they were simply made of turf. Sometimes they were covered with boughs. To turf succeeded stone, the most common material; brick, marble, and metal. Even the ashes, and the horns of the victims curiously interlaced, were applied for this purpose, from which arose the horns of the altar.

When altars were first used by pagans, has eluded the researches of the most learned antiquaries. They are mentioned in the sacred writings as early as the time of Cain and Abel. Under the patriarchal dispensation, they were the most solemn and important instruments of religion. They long preceded temples; and from the summit of the highest hills their fires consumed the offerings made to heaven. Herodotus, however, asserts that the Egyptians were the first who erected altars, and cast statues, in honour of the gods. But they are

* Clio.

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supposed to have derived their superstitions from the Chaldeans, who first corrupted the patriarchal form of worship.*

The altar of the twelve gods at Athens stood in the Forum, and seems, from some of the inscriptions upon it, to have served, with the gilt pillar in the Forum at Rome, as a central point from which to measure distances.†

The mode of constructing altars, and the materials out of which they were made, appear to have varied considerably among different nations, and at different periods. Originally, that is, in the patriarchal times, they consisted merely of earthy clods piled one on another. They were next made of stones laid rudely or scientifically together, according to the degree of civilisation attained by those who erected them. Marble was afterwards used. But wood and the horns of animals are said to have been the most expensive materials, since they admitted greater perfection in the workmanship and more costly ornaments.

The form of these altars was either square, round, or oval, according to the taste or notions of the builder. The height was usually that of a man's waist, but occasionally much greater. In some cases the size must have been considerable, as, besides the space necessary for the consumption of the victim, the surface held the statue of the god or gods to whom the altars were consecrated. They were invariably turned towards the east, a custom followed in the Roman Catholic, and indeed in most Christian churches.

The most ancient altars were adorned with horns, and it is to be observed that the figures of Roman altars upon medals are never without horns, while the altars which still remain in the ruins of old Rome have the same ornament.‡ The horns of the altar served for various purposes. The victims were fastened to them. Suppliants, who fled to the altar for refuge, caught hold of the horns.

Upon some part of the altar was commonly engraved the

* Arts of Greeks and Romans, vol. i., p. 60.

† Note to Sir H. Rawlinson's Herodotus, vol. ii., p. 7.

‡ Potter's Grecian Antiquities, p. 299.

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name or ensign of the god to whom it was dedicated, as in the case of the Athenian altar upon which St Paul observed the inscription, "To the unknown God."*

Altars were consecrated with oil, which was poured upon them. Sometimes ashes were used tempered with water.†

The ancient use of altars appears to have been threefold: 1. To offer sacrifices and prayers to the gods to whom they were dedicated. 2. To render alliances and oaths more solemn. 3. To serve as an asylum or place of refuge for those who fled to them.‡

When a temple was erected, it was always dedicated to some divinity. Among the Romans the dedication had to be authorised by the senate and the people. Early in the morning the college of the pontiffs and other orders met, with a crowd of people, and surrounded the temple with garlands of flowers. The vestal virgins, holding in their hands branches of the olive tree, sprinkled the outside of the temple with holy water; and then the person who officiated pronounced aloud the form of the consecration, after which the court of the temple was consecrated by the sacrifice of some beast upon the altar. §

The mode of sacrificing to the gods, adopted by the ancients, differed materially among different people, and at different periods. Herodotus tells us that the Persians "do not erect altars or kindle fires when about to sacrifice; they do not use libations, or flutes, or fillets, or cakes; but when any one wishes to offer sacrifice, . . . he leads the victim to a clean spot, and invokes the god, usually having his tiara decked with myrtle. . . . When he has cut the victim into small pieces, and boiled the flesh, he strews under it a bed of tender grass, generally trefoil, and then lays all the flesh upon it. When he has put everything in order, one of the magi standing by sings an ode, . . . which they say is the incantation. . . . After having waited a short time, he

* Potter's Grecian Antiquities, p. 299.

† Dictionary of Greek and Roman Antiquities.

‡ *Ib.*

§ *Ib.*, tit. "Dedicatio."

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that has sacrificed carries away the flesh, and disposes of it as he thinks fit."*

Among the Egyptians, we are informed by Herodotus that great care was taken by the priests in examining the beasts selected for sacrifice. "If the examiner," says he, "finds one black hair upon him, he adjudges him to be unclean; and one of the priests appointed for this purpose makes this examination, both when the animal is standing up and lying down; and he draws out the tongue to see if it is pure as to the prescribed marks. . . . He also looks at the hairs of his tail, whether they grow naturally. . . . Any one who sacrifies an animal that is unmarked, is punished with death. . . . The established mode of sacrifice is this: Having led the victim properly marked to the altar where they intend to sacrifice, they kindle a fire; then, having poured wine upon the altar near the victim, and having invoked the god, they kill it; and after they have killed it they cut off the head; but they flay the body of the animal; then, having pronounced many imprecations on the head, they who have a market and Grecian merchants dwelling amongst them, carry it there, and having done so, they usually sell it; but they who have no Grecians amongst them throw it into the river, and they pronounce the following imprecation on the head: 'If any evil is about to befall either those that now sacrifice, or Egypt in general, may it be averted on this head.'"†

We are further told by Herodotus that "the Egyptians consider the pig to be an impure beast; and, therefore, if a man in passing by a pig should touch him only with his garments, he forthwith goes to the river and plunges. And, in the next place, swineherds, although native Egyptians, are the only men who are not allowed to enter any of their temples; neither will any man give his daughter in marriage to one of them, nor take a wife from among them, but the swineherds intermarry among themselves. The Egyptians therefore do not think it right to sacrifice swine to any other deities; but to the moon and Bacchus they do sacrifice

* Clio. † Euterpe, ii. 38, 39.

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them at the same time, that is, at the same full moon, and then they eat of the flesh. . . . The sacrifice of pigs to the moon is performed in the following manner: When the sacrificer has slain the victim, he puts together the tip of the tail with the spleen and the caul, and then covers them with the fat found about the belly of the animal, and next he consumes them with fire; the rest of the flesh they eat during the full moon in which they offer the sacrifices, but in no other day would one even taste it. The poor amongst them, through want of means, form pigs of dough, and having baked them, offer them in sacrifice. On the eve of the festival of Bacchus, every one slays a pig before his door, and then restores it to the swineherd that sold it, that he may carry it away."*

A notion is still prevalent in certain agricultural districts in England, that the time of the full moon is the proper period for killing pigs. Whether this notion had its origin in the ancient superstition alluded to, might form a curious subject of inquiry.

Xenophon, in his account of the expedition of Cyrus, alludes to this custom in the following terms, from which it may be inferred that it was then in use among the Greeks: "Next day, Xenophon, going on to Ophrynium, offered a sacrifice, burning whole hogs after the custom of his country, and found the omens favourable."†

Among the Greeks, when a meeting was to be held at a particular spot, the place was purified by killing young pigs, which, as was usual in such lustrations, they carried round about the utmost bounds of it.‡

Xenophon, in the work lately quoted, refers to the sacrifice of the wolf, as practised by the Persians.

Herodotus gives the following account of performing sacrifice among the Scythians, which, he says, "is adopted with respect to all kinds of victims alike:" "The victim itself stands with its fore feet tied together; he who sacrifices standing behind the beast, having drawn

* Euterpe, ii. 47, 48. † B. vii. ‡ Potter's Grecian Antiquities.

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the extremity of the cord, throws it down; and as the victim falls, he invokes the god to whom he is sacrificing; then he throws a halter round its neck, and having put in a stick, he twists it round and strangles it, without kindling any fire, or performing any preparatory ceremonies, or making any libation; but having strangled and flayed it, he applies himself to cook it."*

Athenæus tells us that the Bœotians were wont to sacrifice eels of an unusual size, taken in Cofais, a lake of that country; and that about these they performed all the ceremonies usual at other sacrifices.†

Among the Greeks and Romans, at the entrance of their temples there was a pond or basin used by the priest for ablution before sacrificing to the superior gods, merely sprinkling being deemed sufficient for the infernal deities. The priest, clad in white, and crowned with branches of the tree dedicated to the god, carried the vessel for holding wine. He was attended by children, who carried vessels and baskets. The musicians belonging to the temple played on flutes during the sacrifice; the *popæ* or *victimarii* were naked to the girdle; there were assistants or partakers, bearing vessels of various kinds; also the sacrificers, who, among the Romans, although not among the Greeks, had the head veiled, unless the god to be sacrificed to was Saturn. The victim was adorned with bandeaux or garlands, sometimes with fillets and trappings. The priest walked round the altar several times, holding his hand upon his mouth, and then poured the wine upon the altar, concluding with plucking some of the hair from the victim, and casting it into the fire. Then was the time for the *victimarius* to take the knife for cutting the throat of the victim, or the axe to knock him down. The blood was collected and the skin taken off; then the *heraspes*, or *flamen*, examined the entrails for the prognostics, and presages were also formed from the burning of the incense, and from the motion and windings of the smoke.

Herodotus informs us that the priests washed themselves

* Melpomene, v. 60.

† Potter's Grecian Antiquities.

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thrice every day and thrice every night in cold water, besides three ablutions every day, and an occasional one at night. They also shaved not only the head and beard, but removed the hair from the whole body.*

Baked bread was supplied every day to the priest from the sacred corn, as also a plentiful amount of beef and of goose flesh, as well as wine, as Herodotus tells us. Fish was, however, forbidden to the priests. They also abstained from mutton and pork; and on the occasion of their more solemn purifications, they were not allowed to eat salt with their meals. Garlic, onions, and beans, particularly beans, were excluded from the tables of the priests.†

The priest, while offering sacrifice, was attired in a black gown, in order to prevent his clothes being tarnished by the smoke. Hence the origin of the black gown adopted by the clergy of all denominations, which is still in common use.‡

Women as well as men were employed to officiate in important duties in the temples, among the Egyptians.§

As regards the kind of animal offered up in sacrifice, this appears to have depended upon the particular god to whom, and the person by whom, it was offered. A shepherd would sacrifice a sheep, a neat-herd an ox, and a goat-herd a goat. And Athenæus asserts that a fisherman, after a plentiful draught, would offer a tunny to Neptune. To the infernal and evil gods they offered black victims; to the good, white; to the barren, barren ones; to the fruitful, pregnant ones; to the masculine gods, male, and to the feminine, female victims. Men as well as animals were sometimes offered up.‖

It was also an established rule that the sacrifices should correspond with the condition and quality of the person by whom they were offered. From a poor man the smallest oblations were acceptable. If he could not afford to sacrifice a real ox, he might offer one made of bread. Men of wealth when

* Note to Sir H. Rawlinson's Herodotus, vol. ii., p. 52.
† *Ib.*, p. 56.
‡ Arts of Greeks and Romans, vol. ii., pp. 120, 129.
§ Note to Sir H. Rawlinson's Herodotus, vol. ii., p. 47.
‖ Potter's Grecian Antiquities.

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they had received or desired any great favour from the gods, offered a great number of animals at once, as for instance, a hundred oxen.*

The primitive Greeks were accustomed to offer up the tongues of animals, together with a libation of wine to Mercury as the god of eloquence. Sometimes they were offered with a view of making an expiation for some indecent language that had been spoken; or in token that they entrusted to the gods as witnesses the discourse which had passed at the table; or to signify that what had been spoken there ought not to be remembered afterwards, or divulged.†

Solemn festivals were very common among the Egyptians, Greeks, and Romans. One of the most important at Sparta was that of the Gymnopædiæ, or naked youths, which lasted several days, where the grace and strength of the Spartan youth were exhibited to their admiring countrymen, and to foreigners. Wrestling and dancing were the chief exercises.‡

One very remarkable festival which was observed among the Romans, was called the Feast of Wolves, in commemoration of Romulus and Remus having been nursed by a she-wolf. The famous statue of the wolf suckling these infants is still preserved in the Capitol at Rome. This statue is made of bronze, and is very ancient, being referred to by the historian Livy, and was once struck by lightning. The priests who officiated at this festival, who were called Luperci, began their course at the foot of Mount Palatine, called by the Romans Lupercal—that is, the place where the wolf nursed Romulus. Bishop Godwin thus describes the ceremonies: "Two goats were slain, and two noblemen's sons were to be present, whose foreheads being blooded with the knives of them that had slain the goats, by-and-by were to be dried up with wool dipped in milk. Then the young boys must laugh immediately after their foreheads were dry. That done, they cut the goat-skins, and made thongs of them, which they took in their hands, and ran with them all about

* Potter's Grecian Antiquities, 259.
† *Ib.*, 77.
‡ Note to Sir H. Rawlinson's Herodotus, vol. iii., p. 372.

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the city stark naked, and so they struck with those thongs all they met in their way."*

A dog was also sacrificed at this time, because there is a natural antipathy between the dog and the wolf.

The Roman historian Livy complained in the year of Rome 539 that "the Roman rites are growing into disuse, not only in private and within doors, but in public also. In the Forum and Capitol there are crowds of women sacrificing, and offering up prayers to the gods, in modes unusual in that country. A low order of sacrificers and soothsayers has enslaved men's understandings, and the number of these is increased by the country people, whom want and terror has driven into the city."

It was customary for worshippers when in temples, to conceal the hands, out of reverence. They had also the head covered during prayer, when standing. While kneeling, the head and face were covered, with the right hand upon the mouth, the forefinger being inclined to the thumb—a gesture also used in passing a temple. The Romans of regular habits came to the temples, which were open to every person, and often lighted before day, temples having no windows. Those who could not go to the temple atoned for the omission by resorting to their oratories. A priest read the prayers from a book, which were repeated by the people, turned towards the east, with their heads veiled, in order to prevent their attention from being disturbed by any ill omen. They touched the altar while they prayed, and advanced the hand from the lips towards the images of the gods. The young of both sexes also sung hymns, accompanied by music.†

The Greeks prayed standing or sitting. Before entering the temple, they purified themselves by lustral water, which was common water wherein a burning torch from the altar had been quenched, and which stood in a large vase at the entrance to the temple.

We are assured that the piety of the ancient Greeks, and

* Bishop Godwin's Roman Antiquities, lib. ii., sec. ii., cap. 1, fols. 41, 42.

† Arts of Greeks and Romans, vol. i., p. 295.

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the reverence which they entertained towards their deities, was in nothing more evinced than by the continual prayers and supplications which they made to them. Plato asserts that no man amongst them that was endued with the smallest prudence, would undertake anything without having first invoked the advice and assistance of the gods. And this was practised by the whole nation as well as by their philosophers, and in the most primitive times. Moreover, every night and morning it was the universal practice for the people to recommend themselves to their several deities.* "At the rising both of the sun and moon," says Plato, "one might everywhere behold both the Greeks and barbarians, those in prosperity as well as those under calamities and afflictions, prostrating themselves, and hear their supplications."

There was a notion among the people in ancient times, that their prayers were more acceptable, and more successful, when offered in a barbarous and unknown language. The reason assigned was, that the first and native languages of mankind, though barbarous and uncouth, yet consisted of words and names more agreeable to nature. On this account it was customary for magicians, and those who pretended to have a more intimate familiarity with the gods than other men, to make their petitions in barbarous and unknown sounds.†

Among the Romans, it was customary for the senate to decree great religious solemnities on the occasion of extraordinary victories, which were intended as thanksgivings to the gods. The temples were then thrown open, and the statues of the deities placed in public upon couches. Before them the people gave expression to their thankfulness. The extent of the victory generally determined the duration of the festival. Although sometimes decreed for only one day, its usual period was three or five. Pompey had ten days decreed upon the conclusion of the war with Mithridates. Cæsar obtained one of fifteen days.‡

* Potter's Grecian Antiquities.

† *Ib.*, 88.

‡ Note to Bohn's Cæsar, pp. 63, 64.

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On certain occasions expiations were required to be made by way of satisfaction to some deity for the commission of a crime. The forms of expiation were, however, as various as the causes were numerous. Among the Greeks, if a homicide of high position wished to appease the gods in order to avert vengeance, the sacrificial rites for the occasion were performed by some one of high dignity, very often by the sovereign; a sucking pig was laid on the altar, and killed with unusual solemnity; the hands of the homicide were sprinkled with the blood; libations were offered to Jupiter Expiator; the remnants of the sacrifice were thrown away; and cakes composed of meal, salt, and water, were burnt on the altar, while prayers were devoutly offered to the Furies. Sometimes expiations were made for whole cities; and in the more ancient times to remove, or prevent, or to avert an impending calamity, human victims were offered up. Subsequently, human blood was regarded as the most expiatory; and parents brought their own children for the purpose of seeing their blood sprinkled over the culprit.*

When any great and public calamity occurred among the Romans, especially when the plague broke out, the ceremony called *Lectisternium* was observed, on which occasion the statues of the gods were brought down from their bases or pedestals, and laid upon beds made for the purpose in their temples, with pillows under their heads; and in this posture they were magnificently entertained. All the gates of the city were opened, and the tables were everywhere served with meat. Foreigners, whether known or unknown, were feasted and lodged without cost, and all matters of hatred or quarrel were forgotten.†

The office of augur was held in high estimation among the Romans, since, from their extraordinary superstition, nothing was undertaken without consulting one. He occupied the sacred college of the priesthood, ruling immediately below the pontiffs. He was never deprived of his dignity, whatever

* Arts of Greeks and Romans, vol. ii., pp. 163, 164.

† Dictionary of Greek and Roman Antiquities, tit. "Lectisternium."

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might be his crimes. Clad in his robe of scarlet and purple, the augur on days of ceremony turned towards the east, and with his staff, marked out a tract in the sky which he called *Templum*. He then proceeded to observe the birds which approached to, or passed over that tract, their species, their manner of flight, and the attitudes which they assumed. The signs on the left hand were happy; those on the right of bad omen. Sometimes the divination was effected by domestic fowls, to which a kind of cake was thrown. If they ate with eagerness, as if they were really hungry and were blessed with good appetites, and if, during the process of eating, the crumbs fell freely to the ground, the sign was favourable; otherwise, it was unfavourable. If they refused to eat at all, which we may infer they would do if they had already secured plenty, it was considered that an awful crisis was at hand. One of the sages of antiquity, when his chickens, from some cause or other, whether reasonable or unreasonable, refused to pick up his crumbs, had them thrown into the sea, exclaiming, "If they won't eat, they shall drink."*

We are told that the Lycians, when they wished to ascertain beforehand whether any undertaking was likely to be successful or not, went to a fountain dedicated to Apollo, and threw into it baits for the fish. If the fishes ate them, it foretold good luck; if they refused them, then they might be sure that the undertaking would turn out unlucky.†

The howl of the dog was also considered ominous, as it is, indeed, by some superstitious persons at the present day. Among the Egyptians the dog was held in great veneration, and divine honours were paid to it. In Greece and Rome dogs were sometimes sacrificed to the gods; by the former to Pan, by the latter to their domestic *Lares*. Both in Greece and Rome they were offered during the dog-days, probably as a preservative against the bite of that

* Arts of Greeks and Romans, vol. ii., pp. 69, 70.

† Bishop Godwin's Roman Antiquities, lib. ii., sec. ii., cap. 7.

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animal.* Indeed, it has been asserted that the Romans crucified a dog every year, on account of the dogs not having given warning by their barking when the Gauls entered Rome, but of which the geese, by their cackling, affected timely notice. Therefore, in order to do due honour to these illustrious birds, the Romans carried a goose of silver in an elbow-chair, laid upon a pillow. One ancient writer asserts that the Ethiopians had a dog for their king;† and who possibly might have ruled quite as wisely as some human kings have done.

The actions of animals offered in sacrifice, were observed with great care as particularly ominous. It was customary to pour water in the animal's ear, in order that it might, by nodding its head, signify its consent to be sacrificed. If it wagged its tail, that was a good omen. Indeed the tail appears to have been considered as one of the most ominous parts of the body. If, when cut off and thrown into the fire, it curled up, this foretold some misfortune. When it was extended out at length and hung downward, this was an omen of some overthrow about to happen. But when it was cocked up, this was a sure presage of a victory.‡

It was considered a good sign when, at a sacrifice, the flames immediately took hold of and consumed the victim, seizing at once all the parts of it; on which account the priests took care to have the sticks quite dry so that they would easily take fire. So, too, it was regarded as fortunate if the flame was bright and pure, and without noise or smoke. Also, if the sparks tended upward in the form of a pyramid, and if the fire did not go out until all was reduced to ashes. On the other hand, it was deemed unlucky if the fire would not easily light; or if, instead of ascending straight upwards, it whirled round, turning sideways or downwards, when it sent out smoke or sparks, or died out before all the sacrifice was consumed.§

* Arts of Greeks and Romans, vol. ii., p. 101.

† Dictionary of Greek and Roman Antiquities, tit. "Canis."

‡ Potter's Grecian Antiquities, p. 367. § *Ib.*, p. 371.

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It may be observed, however, that nothing was confirmed by the augurs without the appearance of two lucky omens, one after another, nor did one evil omen by itself count;* which may be satisfactory to some of the superstitiously disposed at the present day. Spilling the salt at table, as also wine on the clothes, was deemed ominous in those days.†

It was considered by the Greeks that if a man sneezed in the afternoon it was a good omen, but a bad one in the morning. If a man sneezed at table while they were taking away, or if another happened to sneeze at the left hand of a man, then persons were told to beware that all is not right; but if on the other hand, then all is well.‡

Those Grecians who wished to dream a prophetical dream, were recommended to sacrifice a ram to Amphiaraus, and to sleep upon the fleece. Plutarch tells us that if we eat good ripe fruit our dreams will be the truer. The dreams most to be relied upon, we are informed, are those which take place towards the morning. Pliny says a dream is never true soon after eating and drinking.§ Consequently, those who are careful about their dreams will do well to avoid late suppers.

The omens that appeared towards the east, were accounted fortunate by the Greeks, Romans, and all other nations, on the ground that the sun rises in that direction. On the other hand, omens to the west were deemed unlucky. So also signs on the right hand were accounted fortunate, those on the left unfortunate.‖ Great attention was paid to the flight of birds, and to the peculiar manner in which they moved. The eagle, if she appeared brisk, clapping her wings, sporting about in the air, or flying from the right hand to the left, was one of the best omens the gods could give. The flight of vultures was also much observed. The hawk was deemed an unlucky omen. Swallows flying about, or resting upon a place, were also deemed to forebode no good. Owls were in general regarded as unlucky birds; but at Athens they

* Bishop Godwin's Roman Antiquities, lib. ii., sec. ii., cap. 6, pp. 48, 49.
† *Ib.* ‡ Rous's Attic Antiquities, lib. vii., cap. 2, p. 368.
§ *Ib.*, lib. vii., cap. 4, pp. 348-350. ‖ *Ib.*, 375, 376.

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were considered to foretell victory, being sacred to Minerva, the protectress of that city. The dove was a lucky bird, as was also the swan.*

Ants were made use of in divination, and bees were esteemed an omen of future eloquence. Toads were accounted lucky omens, but boars were unlucky.†

A Gnostic papyrus, or ancient Egyptian roll, in the British Museum, discovered in Egypt, mentions divination "through a boy with a lamp, a bowl, and a pit," very like what is now practised in Egypt and Barbary. It also contains spells for obtaining power over spirits, for discovering a thief, for commanding another man's actions, for obtaining any wish, and for preventing anything. Others in the Leyden Museum contain recipes of good fortune, for procuring dreams, for making a ring to bring good fortune and success in every enterprise, for causing separation between man and wife, for occasioning restless nights, and for making one's self loved.‡

Comets were always thought to portend something dreadful. So also were eclipses of the sun or moon, with which several armies have been much terrified. If lightning appeared to the right, it was deemed fortunate; if to the left, unlucky. Earthquakes were unfortunate omens, and were generally supposed to be caused by Neptune. It was an unlucky omen to have anything thunderstruck. In order to avert unlucky omens given by thunder, it was usual to make a libation of wine, pouring it out in cups. At Rome, places affected by thunder were enclosed by a public officer, and the fragments of thunderbolts were carefully buried for fear any person should be polluted by touching them.§

Tacitus alludes to the appearance of a comet during the reign of Nero, which, he says, was a "phenomenon which, according to the persuasion of the vulgar, portended a change to some kingdoms."‖ He also records that "the popular voice was further stimulated by the construction put, in the same

* Potter's Grecian Antiquities, 377, 379. † *Ib.*, 382.
‡ Note to Sir H. Rawlinson's Herodotus, vol. ii., pp. 115, 116.
§ Potter's Grecian Antiquities, pp. 383, 385, 386. ‖ Annals, b. xiv., c. 22.

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spirit of superstition, upon a flash of lightning; for as Nero sat at meat in a villa called Sublaqueum, upon the banks of the Simbruina lakes, the viands were struck by lightning and the table overthrown; and as this occurrence took place in the neighbourhood of Tibur, whence the paternal ancestors of Plautus sprang, they believed that this was the man predestinated for the empire by the decree of the deities."* The same renowned historian also states, in a subsequent book of his Annals, that "in the close of the year the public mind was occupied with accounts of prodigies which seemed the harbingers of impending calamities. At no other time did the lightning flash with such frequency; there appeared, also, a comet, an omen ever expiated by Nero with the effusion of illustrious blood."†

Livy alludes to the clang of arms during a battle as being "similar to that which is usually made in the dead of night when the moon is eclipsed,"‡ a practice which is still pursued by some superstitious northern nations. Tacitus gives the following account of an eclipse of the moon, which, according to the calculations of eminent mathematicians, happened on the 27th of September in the year 14 of the Christian era, about five weeks after the death of Augustus:§

"The moon, in the midst of a clear sky, became suddenly eclipsed. The soldiers, who were ignorant of the cause, took this for an omen referring to their present adventures. To their own labours they compared the eclipse of the planet, and prophesied that 'if to the distressed goddess should be restored her wonted brightness and splendour, equally successful would be the issue of these their struggles.' Hence they made a loud noise by ringing upon brazen metal, and by blowing trumpets and cornets. As she appeared brighter or darker, they exalted or lamented. But when gathering clouds had obstructed their sight, and it was believed that she was now buried in darkness, then (for minds once dismayed are prone to superstition) they bewailed 'their own eternal sufferings thus portended, and that the gods viewed their daring deeds with aversion.'"||

* Annals, b. xiv., c. 22. † *Ib.*, b. xv., c. 47. ‡ B. xxvi., c. 5.
§ Note to Bohn's Tacitus, vol. i., p. 21. || Annals, b. i., c. 28.

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It was considered an ill omen when Mount Etna, in Sicily, emitted not only smoke but balls of fire; and Livy says that extensive flames issued from it before the death of Cæsar.*

Occasionally divinations were performed by water. Sometimes they dipped a looking-glass into the water when they desired to know what would become of a sick person; for as he looked well or ill in the glass, accordingly they presumed of his future condition. Another custom resorted to was filling a bowl with water, and letting it down into a ring equally poised on each side, and hanging by a thread tied to one of their fingers, when, in a form of prayer, they requested the gods to declare or confirm the dispute in question; whereupon, if the thing proposed was true, the ring, of its own accord, would strike against the bowl a set number of times. On some occasions they threw stones into the water and observed the turns they made in sinking.†

Prodigies of various kinds are reported as having been witnessed in Rome, and the pages of Livy are filled with descriptions of these extraordinary events. An ox was said to have spoken several times, which caused great consternation, and upon which various interpretations were put; although the poor beast himself does not appear to have turned to any very great account his newly-acquired capacity of talking. Pliny records that on one occasion, when a report was brought that an ox had spoken, the senate was held under the open air. Showers of stones are frequently reported by Livy, and certain mysterious sounds, as also appearances in the air, which are now accounted for by electrical and other natural causes. The priests, however, with surprising dexterity, appear to have turned all these occurrences to very good account as regarded themselves; and expiations were ordered by them to do away with any evil consequences that might result. Monstrous births by any animal were always reckoned among the prodigies of the day, and peculiar importance was

* Note to Devitte's Livy, vol. iv., p. 2220.

† Potter's Grecian Antiquities, p. 407.

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attached to the event. Tacitus, in his Annals, refers frequently to the occurrence of prodigies of various kinds.

Persons whose minds were disordered appear to have been considered in the ancient times as capable of foretelling future events.* In these days we should be inclined to attribute disorder of mind to those who believed in such absurdities.

The profession of an augur or soothsayer is supposed to be very ancient, and indeed the practice of the art was forbidden by Moses.† It was in high favour among the Chaldeans, who made a particular profession of it. The Greeks appear to have learnt it from them, and it was afterwards followed by the Tuscans.‡ Herodotus records that "soothsayers among the Scythians are numerous, who divine, by the help of a number of willow rods, in the following manner: When they have brought with them large numbers of twigs, they lay them on the ground and untie them; and having placed each rod apart, they utter their predictions; and whilst they are pronouncing them, they gather up the rods again and put them together one by one. This is their national mode of divination. But the Enarees or Androgyni say that Venus gave them the power of divining. They divine by means of the bark of a linden tree. When a man has split the linden tree in three pieces, twisting it round his own fingers, and then untwisting it, he utters a response. When the king of the Scythians is sick, he sends for three of the most famous of these prophets, who prophesy in the manner above mentioned."§

The Romans attached so much importance to the practice of augury, that by a decree of the senate it was expressly ordered that the advice of the augur should be exactly followed without the least deviation from it, as we learn from Cicero.‖ Romulus did not presume to commence the

* Adam's Roman Antiquities, 278.

† Lev. xvii.; Deut. xviii.

‡ Dictionary of Greek and Roman Antiquities, tit. "Augur."

§ Melpomene, iv. 67, 68. ‖ De Leg. Aug. Per., lib. ii.

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building of Rome until he had consulted the augurs, and he afterwards constituted a college of them.*

But the most popular mode of divination in ancient times was by consulting the oracles, which were so revered that nothing of importance, whether in public or private life, was undertaken without resorting to them. The oracle of Jupiter and Dodona was the most ancient in Greece. Three priestesses in this temple were the authorised expounders of the divine will, which they sometimes sought in the neighbouring forest, at the foot of the prophetic oak; and they appear to have divined from the murmuring or roaring of its branches, as though the tree itself could speak, according as the wind was gentle or boisterous. Sometimes they prophesied from a bubbling spring, at others from the noises made by the brazen kettles suspended round the temple.†

The celebrated oracle of Apollo at Delphi was located in a cave, from whence exhalations were said to arise that threw whoever stood near it into a perfect frenzy; and during the continuance of the fit communicated the power of predicting the future. A magnificent temple was erected on the spot, to which a whole army of ministers and domestics were attached. A *tripos* was placed over the mouth of the cave; and upon it the Pythia, a priestess of Apollo, received her inspiration. Before she sat on the tripos, she washed herself in the Castalian fountain which bubbled from the foot of Parnassus, and assumed a laurel crown. In a short time she began to foam, her countenance was much distorted, and the wildest expressions issued from her mouth, which were put into Greek verse.‡

The famous cave of the Sybil described by Virgil, which is near Baiæ, on the coast of Italy, the gloomy recesses of which I some time ago explored, was an oracle of this description. It consists of a long winding passage, leading to the heart of a mountain; but I need not say that I saw and heard nothing of the Sybil herself, who has long ceased to be

* Dictionary of Greek and Roman Antiquities, tit. "Augur."

† Arts of Greeks and Romans, vol. ii., 261. ‡ *Ib.*, 262.

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tenant of the premises. Several of the rocks in that neighbourhood are volcanic, and occasionally emit flames, which no doubt afforded a confirmation of the superstitions relating to the supernatural rites formerly practised there.

Conjectures have been raised as to why women instead of men were employed in practising these impostures on their fellow-creatures. Some have supposed the reason to be that women were more easily made the dupes of superstition than were the hardier sex. Tacitus attributes something like gallantry to the Germans, when he says of them that they consider "there is something of a divine nature in women, and the power of seeing into the future. Nor do they reject their advice or disregard their answers." *

The influence of the female sex has been extensive in all ages, and in all countries, even among the most barbarous; far greater, I believe, than has been actually supposed. Nor is it the less extensive because, like the mighty operations of nature, it works silently (not always the mode of ladies' proceeding) and unseen. Perhaps it is the most potent when it is the less openly felt. Great as it is in modern times, it was perhaps greater still in the days of which I have been speaking. The power which women gain by having the care of the young entrusted to them, alone affords them a moral influence the most extensive of all; far greater than what they could ever obtain by becoming lawyers, doctors, or even legislators. Their proper sway appears to me to be the domestic, not the political circle; their own houses, not the House of Commons. The attention of Tacitus to this interesting topic will, I hope, be allowed as an apology for this brief digression.

Severe punishment was decreed by the Roman laws against priestesses and vestal nuns who were guilty of incontinence. In the field of execution, called the *Campus Sceleratus*, or wicked field, which lay within the city, a vault was made under the earth, with a hole left open above to enable any one to enter. In this vault there was a little couch,

* Germ., c. 8.

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with a burning lamp and some refreshment. To this place the condemned criminal was to be brought through the market-place; but it was so closed up with thick leather, that her lamentations could not be heard so as to excite the pity of the spectators. When brought to the place of execution, she was let down by a ladder into the cave, the opening of which was bricked up, and she was there left to die.*

Closely connected with, and forcibly illustrative of the manners and customs, and the rites and superstitions, of ancient days, are the modes of punishing criminals then resorted to. Into the general question of the laws of the people of ancient times, I have not attempted to enter, as being in the first place not within the scope of the subject on which I am now treating; and, in the next place, being far too comprehensive, not to say much too complicated also, to admit of its being embraced by the present series of papers. I will, however, venture to conclude this branch of the subject with a few words as to the origin and nature of civil punishments generally, among the ancient nations:

"That particular punishments were often adopted in the earlier ages of society on account of the means ready at hand for inflicting them, will be obvious to every reader of history. The Asiatic punishment of throwing criminals to wild beasts, originated in the abundance of those animals in that part of the world. The Tarpeian rock afforded to the Romans a ready means of capital punishment by hurling criminals from that height. The proximity of seas and large rivers induced particular people to have recourse to drowning as a capital punishment. And it was during their sojourn in the stony desert, that the children of Israel first resorted to stoning as the means of putting malefactors to death, and which they continued long after they left the wilderness." †

Among the ancient Egyptians, strangling was resorted to as a capital punishment. An Egyptian painting, copied by Belzoni, represents an execution in an Egyptian prison by this

* Bishop Godwin's Roman Antiquities, lib. i., sec. i., cap. 16, pp. 13, 14.

† Civilisation, considered as a Science, in relation to its Essence, its Elements, and its Ends. By George Harris, F.S.A. (Bohn's Library edition), pp. 263, 264.

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mode. The executioner first strikes his victim on the head so as to stun him, and then twists the bow-string round his neck. Death by strangling within the walls of a prison is therefore one of the most ancient modes of capital punishment, as well as that at present in use in this country. Probably the picture referred to is the oldest representation of an execution extant.

Putting out the eyes was a punishment among the Egyptians, which, according to Herodotus, was done with a red-hot iron.

A picture, representing the interior of an ancient Roman prison, exhibits the various modes in which criminals were dealt with in days of yore. Some are placed in a kind of pillory, their bodies beneath the floor, their heads just appearing above it. Others are heavily manacled, and some have their feet fastened in the stocks. A female is suspended from the roof with a weight to her legs, which was a punishment in use during the Middle Ages.

Last in the order of succession, in accordance alike with the course of nature, and with the career of our own destiny, we come to the consideration of that solemn subject, closely connected with that which has immediately preceded it, the rites which were paid by the early people of the world to the relics of the dead, and the various modes in which they disposed of the remains of those recently departed from the ranks of the living.

This you may probably deem a somewhat dismal subject, and one which it will be difficult to treat in a manner otherwise than dismal. It is however, to a certain extent, relieved of its doleful character, by the quaint and grotesque customs which were occasionally associated with it, the ludicrous nature of some of which appears to be heightened by their very contrast with the solemnity of the proceedings with which they are connected.

Of the various features assumed by those superstitions which we have been considering, those displayed in the celebration of the obsequies deemed due to the dead—which seem, more-

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over, to reflect the notions prevalent at those periods respecting that mysterious and uncertain future state, upon which the subjects of them have already entered, and to which those engaged in the ceremonial itself are alike rapidly hastening—are unquestionably among the most interesting, and which, moreover, peculiarly exhibit the character and tone of thought and feeling which animated those who directed these solemnities.

The most striking chapter in the history of the world is doubtless that which affords us a description of the superstitions, so varied and so strange, by which mankind have at different periods been overawed. The lines are deep, and the shadows are dark, by which the picture has to be traced. The scene is startling and even appalling, but a deeply instructive lesson may be gathered from its teaching. We, in this boasted age of civilisation and enlightenment, look with pity, and perhaps contempt, through the telescope of time, to the scenes alluded to; and while taking a survey of that dreary period, are apt to flatter ourselves that these dismal clouds of superstition and error, which in that age darkened the land, have for ever and entirely been dispersed, and that we live in times wholly free from all such debasing influences. It must, however, be admitted that, in all ages, and in all countries, human nature is ever the same, and a love for the marvellous, and a hankering after superstition, always have been, and always will be, a ruling passion. It may exhibit itself in different ways, and in various aspects, but the demon itself will ever be found lurking near us. Silent and unseen is its influence, but that influence is nevertheless potent, and indeed irresistible. Possibly there is not a nation, not an age, not an individual, even in the present day, that is wholly free from its thralls. Dreams, omens, charms, spectres, still continue to haunt us; and the superstitions attached to particular days—the ill-fate attributed to Friday for instance—are as vigorous and as active as ever. Half angel and half demon, half savage and half celestial, the genius of superstition, from the earliest ages of society to the present time, has stalked through the land, and exercised its

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spell; and to the latest period in the world's history it will maintain its power. We may affect to despise it, but we nevertheless dread it. However we may protest against, and even pretend to ridicule its authority, we are not the less its slaves.

Remarkable it is, from whatever cause, that people of all ages and all countries alike, have ever united in doing homage to the dead, and in paying reverence to those forms which, while animated, they treated with unrestricted familiarity. Hallowed rites, widely varying in their mode of celebration, have always accompanied the consignment of the cold and unconscious corpse to the tomb. Very different, corresponding with the character of the performers, have been the devices for giving vent to and for typifying that poignant grief and that intense feeling of desolation which the occasion calls forth in the minds of all alike.

With reverence and with awe should we enter the confines of these gloomy and desolate regions, consecrated by the sorrows of all people of all times, while in the contemplation of the subject itself, the solemnity of its nature commands our reverence, and its immediate relation to our own destiny ensures our deep interest.

Various conjectures have been raised as to what was the earliest method of disposing of the bodies of the dead. Two modes appear to have been adopted for this purpose—depositing the remains in the ground, and consuming them by fire. Burying them in the earth is the oldest mode, and that which has been most commonly adopted.

It appears probable that simple interment in the earth, which most readily in each case suggested itself, and which might in all cases be availed of, whatever was the nature of the country, was that which was the earliest in use. It would be only in rocky or mountainous countries, that caves could be resorted to for this purpose. We read, however, very early in the Sacred Scriptures of a cave being used for and converted into a sepulchre, as in the case of Abraham already referred to, who purchased the cave of Machpelah for this

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purpose. It has been suggested, however, that Abraham derived this fashion from the Egyptians, the people of Upper Egypt and Ethiopia being the first civilised nation known, and who were the ancestors of the Pelasgi of Etruria and other countries.* In many respects, caves appear peculiarly suitable for sepulchral objects, as not only serving, to use Abraham's expression, "to bury the dead out of sight," but to secure their remains from molestation; while the gloomy solemn character of those receptacles accorded well with the object to which they were appropriated. It is probably, however, only in the case of persons of great wealth, like Abraham, that those places would be resorted to; while the ground would still be used for all ordinary burials, a simple mound marking the spot beneath which the body lay, and which would be naturally caused by the superfluity of earth occasioned through the space occupied by the body in the ground. Convenience, and the desire to preserve undisturbed the remains of those who had been buried, would soon lead to the appropriation of particular spots of ground for the purpose of interment; while the caves would in all likelihood be reserved by the owners of them as places of burial for the members of their own family.

Solemn and imposing, if not actually picturesque, must have been the performance of funeral obsequies at this early period, though wanting in gorgeous accoutrements for later times.

Among the Jews, burial appears to have been the custom adopted with regard to the dead, and this was continued to a late period, as we find to have been done in the case of Lazarus. Coffins, or boxes to hold dead bodies, were not, however, usual among the Jews, but the body was simply wrapped in a cloth, and carried upon a bier.† Even in this country some two hundred years ago, and probably later, coffins were by no means universally used.

With the Jews, the bodies of great people were embalmed,

* Arts of Greeks and Romans, 284.

† Manners and Customs of the Jews, pp. 175, 176.

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or wrapped up with gums and spices before they were interred. We read in Genesis of the embalming of Jacob, and Joseph of Arimathea brought spices and wrapped in linen cloths the body of our Lord.*

In the descriptions of the funerals of Jewish kings, recorded in the Bible, we sometimes read of burning the bodies, though this was not the usual practice. Thus, the bodies of Saul and his sons were burnt; and this appears to have been resorted to in times of pestilence.† It is also recorded that at the death of Jehoram the people made no burning for him.‡

When bodies were interred in the open plains, heaps of earth or of stones were placed over them, both to mark the spot where they were laid, and also to protect them from being disturbed by wild beasts. In course of time these erections were adopted to perpetuate the memory of the deceased.

Probably the earliest coffins consisted in the receptacles scooped out in the side of the cave in which the body was to be deposited, as we may still observe in the ancient catacombs at Rome and elsewhere. Possibly the stone coffin was an imitation of these rocky receptacles, or an effort to supply their place. As stone was not always to be had, wood, or metal, or earthenware, would in many cases be used as a substitute.

As caves, for the reasons probably which I have stated, became the favourite, not to say fashionable, burying-places for the rich in the early times; in those parts of the country where caves were not to be found, sepulchres were erected in imitation of caves, of which are many of the vast Egyptian and Indian caves remaining to this day.

Burning the dead does not appear to have been ever resorted to by the Egyptians. The Pyramids of Egypt are supposed to have been vast tombs for the reception of the bodies of the dead. And notwithstanding the various conflicting conjectures of modern travellers and historians, the diligent researches of Denon and Belzoni have confirmed

* Manners and Customs of the Jews, p. 175.

† Amos vi. 10. ‡ 2 Chron. xxi. 19.

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the accounts left us by Herodotus, of their being exclusively appropriated to the inhumation of *one* royal corpse. They are found to be composed of immense blocks of stone, heaped together in a regularly mathematical form, diminishing from a broad quadrangular base to a narrow apex.* The largest pyramid, according to Belzoni, measures at the base 693 square feet, with a perpendicular height of 498.†

Herodotus gives the following extraordinary and interesting account of the building of this stupendous structure by Cheops:

"Having shut up all the temples, he first of all forbade them to offer sacrifice, and afterwards he ordered all the Egyptians to work for himself; some accordingly were appointed to draw stones from the quarries in the Arabian mountains down to the Nile, others he ordered to receive the stones when transported in vessels across the river, and to drag them to the mountain called the Libyan. And they worked to the number of a hundred thousand men at a time, each party during three months. The time during which the people were thus harassed by toil lasted ten years, on the road which they constructed, along which they drew the stones, a work in my opinion not much less than the pyramid. . . . On this road ten years were expended, and in forming the subterraneous apartments on the hill, on which the pyramids stand, which he had made as a burial vault for himself, in an island, formed by draining a canal from the Nile. Twenty years were spent in erecting the pyramid itself; of this, which is square, each face is eight plethra, and the height is the same. It is composed of polished stones, and jointed with the greatest exactness. None of the stones are less than thirty feet. This pyramid was built thus, in the form of steps, which some called *crossæ*, others *bomides*. When they had first built it in this manner, they raised the remaining stones by machines made of short pieces of wood. Having lifted them from the ground to the first range of steps, when the stone arrived there, it was put on another machine that stood ready on the first range, and from this it was drawn to the second range on another machine, for the machines were equal in number to the ranges of steps; or they removed the machine, which was only one, and portable, to each range in succes-

* History and Analysis of Architecture, 21. † *Ib.*, 21.

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sion, whenever they wished to raise the stone higher, for I should relate it in both ways as it is related. The highest parts of it, therefore, were first finished, and afterwards they completed the parts next following; but last of all, they finished the parts on the ground, and that were lowest. On the pyramid is shown an inscription in Egyptian characters how much was expended in radishes, onions, and garlic for the workmen, which the interpreter, as I well remember, reading the inscription, told me amounted to 1600 talents of silver. And if this be really the case, how much more was probably expended in iron tools, in bread, and in clothes for the labourers, since they occupied in building the works the time which I mentioned, and no short time besides, as I think, in cutting and drawing the stones, and in forming the subterraneous excavation?" *

The tombs at Thebes consist of chambers and passages excavated in the side of a mountain, thus imitating those natural sepulchres, caverns. They are covered with sculptures and paintings of such resplendent tints that they almost defy imitation. These paintings serve very correctly to exhibit the condition of civilisation of the country at that particular time, and represent the modes of manufacture, agriculture, navigation, pottery work, machinery, and processes of trade, rural employments, hunting, fishing, marches of troops, punishments in use, musical instruments, dresses and furniture.†

Some of the Egyptian tombs also consist of artificial excavations in the sides of hills, others are formed out of subterranean passages, another mode of imitating caves.‡

The most ancient kind of sepulchre in Asia and Greece, was the barrow or tumulus; that is, a heap of earth, with a memorial stone, sometimes an altar, at the top; sometimes chambers with galleries within them, and a defensive wall around the base.§

Herodotus gives the following extraordinary account of the mode of burial among the ancient Persians:

"What follows, relating to the dead, is only secretly mentioned,

* Euterpe, ii. 124, 125.
† Arts of Greeks and Romans, 284.
‡ *Ib.*, vol. i., 92.
§ *Ib.*, 92.

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and not openly, viz., that the dead body of a Persian is never buried until it has been torn by some bird or dog; but I know for a certainty that the magi do this, for they do it openly. The Persians then, having covered the body with wax, conceal it in the ground." *

But his description of a royal funeral among the Scythians is more extraordinary still. He says that—

"When their king dies, they dig a large square hole in the ground, and having prepared this, they take up the corpse, having the body covered with wax, the stomach opened and cleaned, filled with bruised cypress, incense, parsley, and anise seed; and then having sewn it up again, they carry it in a chariot to another nation. Those who receive the corpse brought to them, do the same as the royal Scythians; they cut off part of their ear, shave off their hair, wound themselves on the arms, lacerate their forehead and nose, and drive arrows through their left hand. Thence they carry the corpse of the king to another nation whom they govern; and those to whom they first came accompany them. When they have carried the corpse round all the provinces, they arrive among the Gerrhi, who are the most remote of the nations they rule over, and at the sepulchres. Then, when they have placed the corpse in the grave on a bed of leaves, having fixed spears on each side of the dead body, they lay pieces of wood over it, and cover it over with mats. In the remaining space of the grave, they bury one of the king's concubines, having strangled her, and his cup-bearer, a cook, a groom, a page, a courier, and horses, and firstlings of everything else, and golden goblets. They make no use of silver or brass. Having done this, they all heap up a large mound, striving and vieing with each other to make it as large as possible.

"When a year has elapsed, they then do as follows. Having taken the most fitting of his remaining servants, they are all nati[ve] Scythians, serving whomsoever the king may order, and or[dered] they have no servants bought with money. When therefore th[e] first strangled fifty of these servants, and fifty of the finest horses, [the]y have taken out their bowels and cleansed them, they fill them wit[h] it was and sew them up again. Then having placed the half of a [pine]s with its concave side uppermost, on two pieces of wood, a[nd] the other half on two other pieces of wood, and having fixed m[a]ces-

* Clio, i. 140.

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these in the same manner, having thrust thick pieces of wood through the horses lengthwise, up to the neck, they mount them on the half wheels; and of these the foremost part of the half wheels supports the shoulders of the horses, and the hinder part supports the belly near the thighs, but the legs on both sides are suspended in the air. Then having put bridles and bits on the horses, they stretch them in front, and fasten them to a stake. They next mount upon a horse each, one of the fifty young men that have been strangled, mounting them in the following manner. When they have driven a straight piece of wood along the spine as far as the neck, but a part of this wood projects from the bottom, they fix it into a hole bored in the other piece of wood that passes through the horse. Having placed such horsemen round the monument, they depart.

"Thus they bury their kings. But the other Scythians, when they die, their nearest relations carry about among their friends, laid in chariots; and of these each one receives and entertains the attendants, and sets the same things before the dead body, as before the rest. In this manner private persons are carried about for forty days, and then buried. The Scythians having buried them, purify themselves in the following manner. Having wiped and thoroughly washed their heads, they do thus with regard to the body; when they have set up three pieces of wood leaning against each other, they extend around them woollen cloths; and having joined them together as closely as possible, they throw red-hot stones into a vessel placed in the middle of the pieces of wood and the cloths."*

A more extraordinary custom, closely connected with the subject of funerals, is related by the same distinguished writer as prevalent among the Messagetæ.

"When a man has attained a great age, all his kinsmen meet, and sacrifice him, together with cattle of several kinds; and when they have boiled the flesh, they feast on it. This death they account the most happy; but they do not eat the bodies of those who die of disease, but bury them in the earth, and think it a great misfortune that they did not reach the age to be sacrificed."†

Among the ancient Egyptians, the opinion was entertained that after the lapse of several thousand years, their souls would come to reinhabit their bodies, if the latter were preserved

* Melpomene, iv. 71-73. † Clio, i. 216.

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entire. Hence the origin of mummies, and the situation of sepulchres in places not subject to inundation. Belzoni was of opinion that such people as could afford cases, would have one to be buried in, upon which the history of their lives was painted. Those who could not afford a case, were contented to have their lives written on papyri, rolled up and placed above their knees.*

Herodotus says of the Babylonians that "they embalm the dead in honey, and their funeral lamentations are like those of the Egyptians."† He gives a minute and interesting account of the mode in which the Egyptians practised this art. He tells us—

"There are persons appointed for this very purpose. They, when the dead body is brought to them, show to the bearers wooden models of corpses, made exactly like by painting. And they show that which they say is the most expensive manner of embalming, the name of which I do not think it right to mention on such an occasion. They then show the second, which is inferior and less expensive; and the third, which is the cheapest. Having explained them all, they learn from them in what way they wish the body to be prepared; then the relations, when they have agreed on the price, depart; but the embalmers, remaining in the workshops, thus proceed to embalm in the most expensive manner. First, they draw out the brains through the nostrils with an iron hook, taking part of it out in this manner, the rest by the infusion of drugs. Then with a sharp Ethiopian stone they make an incision in the side, and take out all the bowels; and having cleansed the abdomen, and rinsed it with palm wine, they next sprinkle it with pounded perfumes. Then having filled the belly with pure myrrh, pounded, and cassia, and other perfumes, frankincense excepted, they sew it up again; and when they have done this, they steep it in vetrum, leaving it under for seventy days; for a longer time than this it is not lawful to steep it. At the expiration of the seventy days, they wash the corpse, and wrap the whole body in bandages of flaxen cloth, smearing it with gum, which the Egyptians commonly use instead of glue. After this, the relations, having taken the body back again, make a

* Arts of Greeks and Romans, vol. i., 38. † Clio, i. 198.

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wooden case in the shape of a man, and having made it, they enclose the body; and thus having fastened it up, they store it in a sepulchral chamber, setting it upright against the wall. In this manner they prepare the bodies that are embalmed in the most expensive way." *

He then goes on to describe the methods of embalming those whose relations desire it to be effected in a less expensive manner. He concludes by stating that—

"Should any person, whether Egyptian or stranger, no matter which, be found to have been seized by a crocodile, or drowned in the river, to whatever city the body may be carried, the inhabitants are by law compelled to have the body embalmed, and having adorned it in the handsomest manner, to bury it in the sacred vaults, nor is it lawful for any one else, whether relatives or friends, to touch him; but the priests of the Nile bury the corpse with their own hands, as being something more than human."†

In the museum at Berlin are preserved the hooks for drawing out the brain, and other instruments used by the ancient Egyptians during the process of embalming. Also an ancient Egyptian paint-box, which was extensively used in the embellishment of the cases or coffins in which the dead bodies were deposited. There is also in the same museum an ancient Egyptian medicine-chest, a somewhat alarming apparatus, if the sick man was seriously intended to swallow the whole contents of those stupendous physic phials. The patient, one would fear, could have but a slender chance of recovery. The Egyptian doctor must have been as much dreaded as the direst disease!

The following account of the mode of embalming the dead in use among the Ethiopians, is also from the pen of Herodotus:

"When they have dried the body, either as the Egyptians do, or in some other way, they plaster it all over with gypsum, and paint it, making it as much as possible resemble real life. They then put round it a hollow column made of crystal, which they dig up in

* Euterpe, ii. 86. † *Ib.*, 90.

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abundance, and is easily wrought. The body being in the middle of the column is plainly seen, nor does it emit an unpleasant smell, nor is it in any way offensive: and it is all visible as the body itself. The nearest relations keep the column in their houses for a year, offering to it the first-fruits of all, and performing sacrifices; after that time they carry it out and place it somewhere near the city." *

In the Sacred Scriptures we have an account of Mary Magdalene anointing our Lord's feet with precious ointment, contained in a box of alabaster, which He stated was done by her for His burial. Alabaster vases of the Oriental kind are found in the Greek sepulchres, and are presumed to have contained the oil or perfumes with which the body of the dead was anointed. Vases, cups, and bowls, of various forms and dimensions, generally painted black, were used at the funeral supper, after which they seem to have been carelessly thrown into the tomb, as they are often found broken. Some of them were carefully deposited in tombs by the side of the deceased, as is the case with those in a sepulchre tomb discovered at Pompeii. These vessels are of different colours, and are placed in various parts of the tomb, according probably as convenient space for them was afforded, one vessel being deposited upon the breast of the deceased. The uses of these vessels found in tombs are mentioned by Plutarch, who, speaking of the funeral procession at the anniversary of the victory of Platæa, in honour of the slain, informs us that there were young men, carrying "vessels full of wine and milk for the libations, and cruets of oil and perfumed essences," and a bowl of wine poured out. The Egyptians supposed that the dead were troubled with constant thirst; and it is still customary in Bœotia to place vessels full of water in the graves of the deceased.†

The first thing that was done on a person dying, was to insert a piece of money in his mouth, as a gift or fee to the ferryman of Hades. On opening a grave in Cephalonia, the coin was discovered still sticking between the teeth of the skeleton.

* Thalia, iii. 24.

† Arts of Greeks and Romans, 103.

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The dead were provided with this as soon as possible, it being thought that they would be ferried over all the sooner.*

It has been asserted by a recent authority that burning the dead originated in fire-worship, and that it was only practised when fire-worship was the religion of the people.† This statement, however, seems to be unsupported.

Both burying and burning appear to have been resorted to by the Greeks, also by the Jews. In Sparta burial seems to have been the customary mode. In other parts of Greece, both skeletons and ashes have been discovered, also coffins, which were sometimes of wood, sometimes of baked clay.‡ Interment seems to have been the general mode among the lower orders. The Athenians, according to the antiquary Rous, seldom put more than one man's bones in the same coffin, but the Megarenses sometimes three or four.§

At the present day burning the dead is not practised in any country in Europe, but the custom of burial is universal. During the great French Revolution, some persons proposed to revive the practice of burning the dead, but the suggestion was not adopted. Special regulations were enacted by the Greeks respecting burial-places for the dead. One of Solon's laws provided that no tomb was to consist of more work than ten men could finish in three days; neither was it to be erected archwise, or adorned with statues. And another law directed that no grave should have over it, or by it, more than a certain number of pillars of three cubits high, a table and *labellum*, which was a little vessel to contain victuals for the ghost's maintenance.‖

The primitive Greeks were buried in places prepared for that purpose in their own houses; and there was a law among the Thebans that no person should build a house without providing a repository for his dead. But the general custom, in

* Becker's Charicles, translated by Metcalfe, p. 287.

† Mr A. Bakewell's Lecture on Cremation before the Royal Institution, January 1875.

‡ *Ib.*, pp. 290, 291.

§ Attic Antiquities, p. 263.

‖ Potter's Grecian Antiquities, p. 207.

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later ages especially, was to bury the dead without their cities, and chiefly by the highways. The common graves of primitive Greece were nothing but holes or caverns dug in the earth; while those of later ages were more curiously wrought. They were commonly paved with stone, had arches built over them, and were adorned with no less art and care than the houses of the living, insomuch that mourners commonly retired into the vaults of the dead, and there lamented over their relations for many days and nights together.*

Kings and great men were anciently buried in mountains, or at the feet of them, whence originated the custom of raising a mount upon the graves of great persons. This consisted sometimes of stone, but the common materials were nothing but earth.†

Among the Romans the places for burial were either private or public. The private were in fields or gardens, usually near the highway, in order to be conspicuous, and to remind those who passed by of their mortality. Hence the frequent inscriptions, which are still retained on many monuments of our day, "Siste viator, aspice viator"—stop, traveller; look, traveller. The public places for the burial of great men were commonly in the Campus Martius.‡

In the gallery of inscriptions in the Vatican at Rome, are contained several Roman tombstones and monuments of great interest, on several of which are inscriptions and devices denoting the nature of the calling followed by the deceased, and affording some insight into his character. Some bas-reliefs represent a cutler's shop on one side, with a customer bargaining for an article, and also his workshop on the other.

The early Christians appear to have adopted the Roman custom as to places of burial; but they subsequently had them in the neighbourhood of the churches, and inside their towns, whence the origin of churchyards.

It has been said that, at a very early period in Roman history, it was customary, as in Greece, to bury persons of

* Potter's Grecian Antiquities, 217-219.

† *Ib.*, 219, 220.

‡ Adam's Roman Antiquities, 444.

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distinction in their own houses.* Latterly, however, neither sepulture nor the more common obsequies were allowed within the walls of the city, except to the vestal virgins, and to some families of high distinction.†

At Athens there were two common burying-grounds, one within, the other without the walls. That within was devoted to those who died on the field of battle for the good of the state. Over their graves were placed columns, inscribed with the names of the places where they fell, and their epitaphs. The Greeks also buried their dead in the gardens of their villas; and, in the case of persons of great consequence, sometimes they were interred within their temples.‡

Dionysius of Halicarnassus observes that great men had often many tombs, though their bones were only contained in one.§

Burning the bodies of the dead is said by some authorities to have originated in the fear of their remains being violated by enemies.‖ Homer affords us the following account of the burning of the body of Patroclus:

"Wood was collected for the pile, and when ready, the procession was headed by warriors, fully armed, in cars, followed by the infantry. The body was carried on a bier, in the middle, by companions, who had cut off their hair, in token of mourning, and laid it upon the corpse. Achilles followed next as chief mourner, stooping over the body, and supporting the head of it. When arrived at the pile, and the body deposited near it, Achilles cut off his hair, made an oration, and put the hair between the arms of the corpse. It was then placed upon the upper story of the pile; a large number of sheep and oxen were killed, and with their fat Achilles smeared the whole body of Patroclus from head to foot; placed urns full of oil and honey upon its two sides; killed four of the best horses, two of the best dogs, out of the nine which he kept to guard his camp, and threw them against the pile. Lastly, to appease the manes of his friend, he sacrificed twelve young Trojans of the best family. He then set fire to the pile, invoked his friend, and during the conflagration

* Sketches of Institutions, etc., of Romans, p. 398. † *Ib.*, p. 404.
‡ Arts of Greeks and Romans, vol. i., 101. § *Ib.*, 106. ‖ *Ib.*, 289.

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poured out wine from a golden urn, upon the ground, still loudly calling upon the soul of Patroclus. In the meanwhile, all the chiefs having assembled around Agamemnon, Achilles requested them to extinguish all vestiges of flame with wine, and to collect the bones of Patroclus without mixing them, because their situation in the midst of the pile would easily discriminate them; and to put them into a golden urn, with a double envelope of fat. The urn was then deposited in the tent of Achilles, and covered with a precious veil, the extent of the barrow marked out, foundations laid around it, and the earth thrown up, the whole barrow denoting both the site and dimensions of the funeral pile." *

The relics of the body were distinguished from those of the beasts and men burned with it, by placing the body in the middle of the pile, whereas the men and beasts lay on the sides. The bones and ashes thus collected were deposited in urns, consisting of either wood, stone, earth, silver, or gold, according to the quality of the deceased.†

The shape of these urns appears to have varied a good deal at different periods. The Latins made them in the form of the huts which they inhabited. Several urns of this description are preserved in the Vatican at Rome, at the bottom of which the ashes are still lying. The form of the heart is said to have been adopted in deciding on the ordinary shape of the urn.

Sometimes the bodies were burnt upon large biers of bronze, or some other metal, large enough to contain a sufficient amount of fuel for the purpose. One of these biers is to be seen in the gallery of the Vatican at Rome.

With regard to the ceremonies used at funerals in the ancient times, the following account has been transmitted to us by Herodotus, of those adopted by the Egyptians:

"When in a family a man of any consideration dies, all the females of that family besmear their heads and faces with mud, and then leaving the body in the house, they wander about the city, and beat themselves, having their clothes girt up, and exposing their breasts,

* Arts of Greeks and Romans, vol. i., 93, 94.

† Potter's Grecian Antiquities, 214, 215.

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and all their relations accompanying them. On the other hand, the men beat themselves, being girt up in like manner. When they have done this, they carry out the body to be embalmed." *

A representation on an Egyptian coffin now in the British Museum, exhibits the mode in which, among the Egyptians in ancient times, funerals were celebrated. The body is here depicted as being carried in a boat, drawn by black horses, down the Nile, for the purpose probably of being embalmed. The vessels containing the spices and other articles for embalming, are placed in the centre of the boat beneath the body, which reposes on a sort of bier; and a canopy is erected over it to shelter it from the sun. The mourners are seen with their breasts bare and besmeared with clay, and beating themselves, exactly as described by Herodotus.

The Babylonians used to bury their dead in honey, and the lamentations at their funerals were very like those of the Egyptians. Modern researches show two modes of burial to have prevailed in ancient Babylonia. Ordinarily the bodies seem to have been compressed into urns, and baked or burned. Thousands of funeral urns are found on the sites of the ancient cities. Coffins are also found, though but rarely. These are occasionally of wood, but in general of the same kind of pottery as the urns. The coffins from Warka are of green glazed pottery, and are shaped like a slipper-bath, and belonged probably to the Chaldeans of the Parthian age. Funeral jars, which seem to have been used for ordinary burial, are to be found by thousands in every Babylonian ruin. Ashes are sometimes found in these jars, but it is more usual to meet with a skeleton compressed into a small space, but with the bones and cranium uncalcined. Sir Henry Rawlinson remarks that in all such cases as have fallen under his own personal observation, he has found the mouth of the jar much too narrow to admit of the possibility of the cranium passing in or out; so that either the clay must have been moulded over the corpse and then baked, or the neck of the jar added after the interment.†

* Euterpe, ii. 85. † Sir H. Rawlinson's Herodotus, vol. i., pp. 272-274.

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From other sources we learn that at the time appointed for the funeral to take place, the judges and friends were invited, and sat in a certain place beyond the lake (supposed to be that of Mœris), which the body was to pass. The vessel, whose pilot was called Charon, being hauled up to the shore before the body was suffered to embark, every one was at liberty to accuse the deceased. If any accuser made good his charge, that the deceased had led a bad life, the body was denied the customary burial; but if the accuser charged the deceased unjustly, he incurred a severe punishment. If no accuser appeared, or the accusation could not be supported, the relations recited the praise of the deceased, and the attendants joined their acclamations to this funeral oration. The body was then deposited in the family sepulchre. Those who, for their crimes, or for debt, were forbidden to be interred, were deposited privately in their own houses.*

The following extraordinary account of the celebration of funeral solemnities among the Issedones, is afforded by Herodotus:

"When a man's father dies, all his relations bring cattle, and then having sacrificed them, and cut up the flesh, they cut up also the dead parent of their host, and having mingled all the flesh together, they spread out a banquet; then having made bare and cleansed his head, they gild it; and afterwards they treat it as a sacred image, performing grand annual sacrifices to it. A son does this to his father, as the Greeks celebrate the anniversary of their father's death."†

Among the Thracians, Herodotus records the observance of the following customs:

"The relations, seating themselves round one that is newly born, bewail him, deploring the many evils he must needs fulfil, since he has been born; enumerating the various sufferings incident to mankind. But one that dies they bury in the earth, making merry and rejoicing, recounting the many evils from which, being released, he is now in perfect bliss."‡

* Rees's Cyclop., art. "Egypt." † Melpomene, iv. 26.

‡ Terpsichore, v. 4.

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Among the Greeks, when a person died, those about him addressed their prayers to Mercury, whose office it was to convey souls to the infernal regions. Mothers, or the nearest in kin or affection, kissed the dying with open mouths, as if to inhale their departing spirits.* After death had occurred, the eyes were closed by the next of kin; the face was covered, and the body, being laid out, was consecrated, anointed, and laid in a square garment. The feet and hands were tied by bandages, as in the case of Lazarus. The *Naulon*, or piece of money to pay Charon's fare, was placed in the mouth; and a cake, made of flour and honey, to appease Cerberus. A house being polluted wherein a corpse lay, as was the case also among the Jews, a vessel of lustral water from another dwelling was placed at the door for visitors to sprinkle themselves with as they went out. The corpse itself, which was also the custom among the Romans, was placed at the entrance of the house, with the feet towards the door, decked with garlands, and laid upon a couch or litter adorned with them, and which were made of all sorts of herbs and flowers, and especially of olive. The cypress, we are told, became a funereal tree, not from its gloomy foliage, but because it never grows up again after it is cut down. People of condition placed boughs of it at the door; and we still see on marbles, sepulchres with cypresses planted by them. Some hair, cut from the head of the deceased, was also hung at the door. The time for keeping the body above ground varied, the poor being buried soonest. Persons were stationed to keep off the flies.†

The Romans were in the habit of ringing a bell, or making a great clatter with brazen vessels, to notify when any person was about to die, which is said to have originated in the notion that the sound frightened away evil spirits. This was probably the origin of the passing-bell in this country.‡

At the funeral the corpse was carried with the feet foremost on an open bier, covered with the richest cloth, and

* Bishop Godwin's Roman Antiquities, p. 73.

† Arts of Greeks and Romans, vol. i., 95, 96.

‡ Rous's Archæologiæ Atticæ, p. 241.

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borne by the nearest relations and most distinguished friends. A statue of the deceased was carried before his body.*

The following very extraordinary custom among the early Christians is recorded by Bishop Godwin in his "Ecclesiastical Rites of the Hebrews:" When any catechumenist died, some living person being placed under the bed of the deceased, the latter was asked whether he would be baptized? The corpse not replying, the person under the bed answered for him that he would be baptized, and the ceremony was performed accordingly.†

Previous to the procession to the tomb, a crier proclaimed, "Whoever will attend the funeral must come now." To lead the procession there were mourning women, as mentioned in Jeremiah.‡ We hear also of the minstrels or musicians of Scripture, playing melancholy tunes. The addition of tumblers and buffoons Dionysius Halicarnassus makes not a general practice, but says that it was limited to persons who had lived merrily. There appears, however, to have been such a variety in funereal customs, that none can be called universal. It is however stated that the face of the corpse, when carried out, was uncovered, and sometimes painted, to make it more agreeable, especially those of young maids. But in all those cases where the face of the dead was deformed or changed, it was covered.§

Death itself being supposed to be muffled in black, it was the colour of mourning from the earliest times. This was the case among the Greeks generally. And it was not until the time of the emperors that white garments were substituted for black ones in the case of the women.‖

At the funerals of eminent persons, the mourners were adorned with garlands, and carried torches or tapers, or some ornaments for the deceased, or images of the infernal gods. The sons of the deceased walked with their heads veiled, the daughters barefooted, and with their hair dis-

* Sketches of Institutions, etc., of the Romans, pp. 398, 400.
† Rous's Arch. Att., p. 241. ‡ Jer. ix. 17. § Arts of Greeks and Romans, 96.
‖ Becker's Gallus, translated by Metcalfe, p. 409.

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hevelled. The men walked before the corpse, and the women, if aged or relatives, behind.*

The custom of weeping and throwing dust on their heads is frequently represented on the Egyptian monuments, where the men and women have their dresses fastened by a band round the waist, the breast being bare, as described by Herodotus. For seventy days the family continued to mourn at home, singing the funeral dirge, and abstaining from the bath, wine, delicacies, and rich clothing.†

The mourners at funerals proceeded to the place where the body was to be burnt or buried. The pile was previously prepared with combustible wood, upon which the corpse was laid. It was watered with perfumed liquors; a finger was cut off in order to be buried; the face was turned towards the sky; and Charon's fare, commonly a silver obolus, was placed in the mouth of the deceased. All the pile was surrounded with cypress. The nearest relation turning his back, while the pile was being inflamed, threw upon it the arms and other effects of the defunct. A sacrifice was also made of oxen, bulls, and sheep, which were thrown upon the pile. While the body was burning, the mourners stood round and prayed to the winds to blow upon it, and make it burn the better. A strong wind was considered a good omen. A bellman was in attendance to keep off any who appeared disposed to meddle with the bones.‡

When the body was consumed, the ashes and bones were washed with milk and wine, and deposited in an urn,§ as already mentioned.

According to Herodotus, "all the wandering tribes of the Libyans buried their dead in the fashion of the Greeks, except the Nasamonians. They bury them sitting, and are right careful when the sick man is at the point of giving up the ghost, to make him sit, and not let him die lying down."‖

* Becker's Gallus, translated by Metcalfe, 97.

† Note to Sir H. Rawlinson's Herodotus, vol. ii., pp. 117, 118.

‡ Rous's Archæologiæ Atticæ, 262.

§ Arts of Greeks and Romans, vol. i., 294. ‖ Melpomene, 190.

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Sir Henry Rawlinson remarks that the primitive inhabitants of the Canary Islands, who were a genuine African people, buried their dead standing, some with a staff in their hands.* The ancient Britons also frequently buried their dead in a sitting posture, the hands raised to the neck, and the elbows close to the knees.†

Lucian, in describing the funeral ceremonies of his time, remarks that all are accompanied with complaints and mourning, tears and sobs, to agree with the master of the ceremony, who orders all matters, and recites with such a mournful voice all the former calamities of the deceased as would make them weep, if they had never seen him. So that the dead man is the most happy of all the company, for while his friends and relations torment themselves, he is set in some convenient place, washed, cleansed, perfumed, and crowned, as if he were to go into company.‡

But the strangest custom of all among the Romans was the occasional introduction to funerals of mimics, who counterfeited the words, actions, and manners of the deceased, for the purpose of turning him into ridicule; though in some cases they were called upon to extol his virtues. Suetonius tells us that the arch-mimic Favo was present at the funeral of the Emperor Vespasian. § Sometimes the mimic walked before the bier, and with the assistance of a mask, and by his gestures, imitated the actions of the deceased. ‖

Suetonius relates that at the funeral of Vespasian, the mimic Favo came masked with a vizard, and in a disguise like the emperor, who being taxed with covetousness, and counterfeiting him according to custom, asked aloud before the assembly, those who had the management of the funeral, how much the charges of the burial came to? And when he heard that it amounted to a hundred sesterces, which is about £750, he cried out that if they would give him that sum of

* Prichard's Natural History of Man, 297.
† Note to Sir H. Rawlinson's Herodotus, vol. iii., p. 139.
‡ Dictionary of Greek and Roman Antiquities, tit. "Cadaver."
§ Arts of Greeks and Romans, vol. ii., 227. ‖ *Ib.*, 283.

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money, they might throw him after his death where they should think fit.* Cornelius Tacitus tells us that the great magistrates of Rome sometimes carried the funeral bed of emperors and dictators.†

By the pontifical laws, it was not allowable for a high priest to look upon a dead body; but if by chance he had seen one in his way, he was bound by the law, before he went any farther, either to throw some earth upon it, or to bury it.‡

Marcus Æmilius Lepidus, who had been six times declared chief of the senate, on his death-bed gave strict orders to his sons that he should be carried out to burial on a couch, without the usual ornaments of purple and fine linen, and that there should not be expended on his funeral more than ten pieces of brass; alleging that the funerals of the most distinguished men used formerly to be decorated by trains of images, and not by vast expense.§

Tacitus tells us that at the funeral of Germanicus—

"His ashes were borne upon the shoulders of the tribunes and centurions; before them were carried the ensigns unadorned, and the fasces reversed. As they passed through the colonies, the populace in black, the knights in their purple robes, burned precious raiment, perfumes, and whatever else is used in funeral solemnities, according to the ability of the place: even they whose cities lay remote from the route, came forth, offered victims, and erected altars to the gods of the departed, and with tears and ejaculations testified their sorrow. . . . . The senate, and great part of the people, filled the road, a scattered procession, each walking and expressing his grief as inclination led him." ||

The same distinguished writer tells us that—

"To the memory of Drusus were decreed the same solemnities as to that of Germanicus, with many superadded; the natural effect of flattery, which gathers strength as it grows older. The funeral was signally splendid in the procession of images; as Æneas, the father of

* Dictionary of Greek and Roman Antiquities, tit. "Funus."
† *Ib.*
‡ *Ib.*
§ Livy, b. xlviii.
|| Annals, b. iii., c. ii.

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the Julian race, all the kings of Alba, and Romulus, founder of Rome, next the Sabine nobility, Attus Clausus, and the effigies of the rest of the Claudian family, were displayed in lengthened train." *

Pictures or images of illustrious persons connected with the deceased, were sometimes carried at their funerals. The urns containing the ashes of the deceased, collected from the funeral pile, were deposited in a large building erected for the purpose, called a columbarium, from its resemblance to a dovecote, some remains of which still exist at Rome. You see in these buildings urns of different dimensions, representing the father, mother, and various members of the family, proportioned to the size of the children at the time of death.

The Romans, we are told, paid the greatest attention to funeral rites, because they believed that the souls of the unburied were not admitted into the abodes of the dead, or at least wandered a hundred years along the river Styx, before they were allowed to cross it; for which reason, if the bodies of their friends could not be found, they erected to them an empty tomb, at which they performed the usual solemnities. If they happened to see a dead body, they always threw some earth upon it; and whoever neglected to do so, was obliged to expiate his crime by sacrificing a hog to Ceres. Hence, no kind of death was so much dreaded as shipwreck, and to want the due rites was considered the greatest misfortune.†

All funerals used anciently to be solemnised at night with torches, in order that they might not fall in the way of magistrates and priests, who were supposed to be violated by seeing a corpse, so that they could not perform sacred rites until they were purified by an expiatory sacrifice. But in after-ages, public funerals were celebrated in the daytime, at an early hour in the forenoon, and with torches also. Private or ordinary funerals were always at night.‡

Instances are recorded of persons coming to life again on

* Annals, b. iv., c. 9.

† Adam's Roman Antiquities, 435, 443. ‡ *Ib.*, 441.

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the funeral pile after it was set on fire; and of others who, having revived before the pile was kindled, returned home on foot.*

Particular ceremonies have been adopted by all nations to mark their mourning for the dead, although these have varied widely in different countries. The Jews, during the whole period of mourning, were to cease from washing or anointing themselves, or changing their clothes. Those ceremonies, on ordinary occasions, lasted seven days; but in the case of the death of an eminent person, as in those of Moses and Aaron, they were to be continued for a month.†

The ceremonies by which the Greeks used to express their sorrow upon the death of their friends, and on other occasions, were various and uncertain. Hence it was that mourners in some cities demeaned themselves in the very same manner with persons who in other places designed to express joy; for the customs of one city being different from those of another, it sometimes happened that what in one place was meant for an expression of mirth, was in others a token of sorrow. It seems, however, to have been a general and constant rule amongst them to recede as much as possible from their ordinary customs, by which change they thought it would appear that some extraordinary calamity had befallen them. They also tore, cut off, and sometimes shaved their hair.‡

The period of mourning among the Romans, on the part of men, or of distant relatives, appears to have been but short. Widows were, however, bound to mourn for their husbands for an entire year.§

The Romans while mourning kept themselves at home, avoiding every entertainment and amusement, neither cutting their hair nor beard. They dressed themselves in black, which

* Adam's Roman Antiquities, 447.
† Dr Cox's Manners and Customs of the Israelites, p. 106.
‡ Potter's Greek Antiquities, vol. ii., 196, 198.
§ Pliny's Letters, b. iv., ep. 2, and b. vi., ep. 34.

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latter custom is supposed to have been borrowed from the Egyptians. Sometimes they attired themselves in skins, laying aside every kind of ornament, not even lighting a fire, which was esteemed an ornament to a house. The women on these occasions laid aside their gold and purple. Under the republic they dressed in black like the men. But under the emperors, when party-coloured clothes came in fashion, they wore white in mourning.*

A feast of ghosts and phantoms, called *Lemuria*, was solemnised the 9th day of May, in order to pacify the manes of the dead, who were supposed to pay visits at night, with the ill-natured object of tormenting the living. The institution of this feast is ascribed to Romulus, who, to get rid of the ghost of his brother Remus, whom he had ordered to be murdered, and which was constantly paying him visits, ordered a feast, called after his name, *Remuria* and *Lemuria*. Sacrifices were offered for three nights together, during which time all the temples of the gods were shut up, and no weddings were allowed to take place. The principal ceremony which was used at this sacrifice was of rather a singular nature. About the middle of the night, the person who offered, being barefooted, made a signal, having the fingers of his hand joined to his thumb, whereby he fancied that he kept off the phantom or bad spirit. Then he washed his hands in spring water, and putting black beans into his mouth, threw them behind him, uttering these words, "I deliver myself and mine by these beans," making withal, we are told, a melancholy noise, with pans and other brass vessels, which they used to strike one against the other, desiring the ghosts to withdraw, and repeating nine times together an urgent request that they would retire in peace without any more disturbing the living,† a solicitation with which it appears that the ghosts were, on all ordinary cases at least, either so polite or so obliging as to comply.

I have now completed the survey which I have been

* Adam's Roman Antiquities, 451.

† Dictionary of Greek and Roman Antiquities, tit. "Lemuria."

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attempting of the manner of life and daily occupations of the people of the ancient world; during which I have endeavoured to trace the progress of civilisation from its earliest dawn to the period when it had attained a height and a glory, very little, if at all, inferior to the splendour with which it beams forth in the present enlightened age. What an insight into human nature is thus afforded! How striking a view of the inner mind of society is by this means unfolded to our mental vision! How varied is the prospect in each direction; and how chequered is the scene which lies open before us! How different does the world, when beheld under this phase, appear to what we in these days see it; and yet at the same time how strikingly similar, and even identical. It is in the one moment the same and altogether another orb. The people and their institutions vary much from our own; but human nature itself is still precisely what it was, and what it ever will be. Mankind and their various callings are ever changing, according as circumstances influence their career. But the nature of man is ever and alike unchangeable, although events may affect its aspect. The grand, and stately, and wondrous machinery is what it originally was, however its operations may vary according to the agents by whom it is stimulated to activity.

Most important and most interesting is it, moreover, in the comprehensive survey thus taken of the progress of mankind from the infancy of the race itself, to trace out, and to keep ever clearly in view, the steady, and powerful, and ceaseless operation of those grand elements of civilisation, through whose mighty and mysterious, though invisible agency, the advancement of society, and the elevation of mankind have hitherto been so far effected; and through whose all-important instrumentality in the course of ages, when the appointed period for this shall have been prepared and shall be reached, will eventually be accomplished the civilisation of the world.*

* Civilisation considered as a Science.

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HISTORICAL NOTICES OF JOHN BUNYAN.

By GEORGE HURST, Esq.,
Fellow of the Royal Historical Society.

As Mayor of Bedford when the statue of John Bunyan, presented to that town by the Duke of Bedford, was lately inaugurated, I was led to devote some attention to the history of the great dreamer. During my investigations I was led to the conclusion that his biographers have fallen into some errors.

It is commonly stated that Bunyan was, about the year 1728, born at Elstow, a village near Bedford; this statement is certainly incorrect. He was born at Harrowden, a hamlet belonging to Cardington, a parish subsequently famous as the residence of the celebrated philanthropist, John Howard. The place is called Bunyan End, but it is now a ploughed field. It is not surprising that the mistake should have occurred, since the hamlet of Harrowden adjoins Elstow, and Bunyan, immediately after his marriage, occupied the cottage in the village which has been designated as his birth-place.

Mr Offor in his memoir, quoting from Bunyan's account of himself, concludes that he was "a travelling tinker, probably a gipsy;" and Bunyan, referring to his descent, styles it "low and contemptible." But the probability is that his father belonged to the class of village tradesmen. The tinkers were wandering people, who lived in tents, which they erected on the road-side or on waste ground; but Bunyan and his father were settled inhabitants, and conducted trade as braziers, then called tinkers, as the occupation consisted chiefly in repairing culinary vessels.

In Bunyan's time each village had its weaver, carpenter, blacksmith, wheel-wright, and other artificers, who, with

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small farmers and graziers, formed a class which ranked between the labourer and yeoman or farmer who cultivated his own land. Watchmakers and bell-founders occasionally conducted their occupations in remote villages. A bell-founder of repute carried on business at Wootton, a rural village about five miles from Bedford, and where the name of Bunyan frequently occurs in the parish register. The modest turn of Bunyan's mind would dispose him to speak of himself with marked humility, and he would shrink from exalting his position or parentage beyond its reality.

It has been represented by several of his biographers that Bunyan's education was defective, an opinion founded on his statement in "Grace Abounding," that "his parents put him to school to learn both to read and to write; but that he soon lost the little that he learned." But he must have received as good an education as, at this period, was usually given to children of his class. Mr Blower, whose researches have been very extensive in matters relating to Bunyan, is of opinion that he studied at the Bedford Grammar School. This is confirmed by a passage in the preface to the "Scriptural Poems," in which Bunyan describes himself as "a mechanic guided by no rule, but what he gained in a grammar school."

The Bedford Grammar School was a free foundation for the inhabitants of the town, so that Bunyan's parents must have paid for his instruction, and we may accordingly infer that they were in moderate circumstances.

Bunyan, as a youth, entered into the rural sports and amusements of the period. He was fond of bell-ringing, dancing, "the game of cat," and other amusements. He seems, indeed, to have alternated between merriment and religious despondency. He writes, "The Lord, even in my childhood, did scare and affright me with fearful dreams, and did terrify me with dreadful visions." And again: "Often after I have spent this and the other day in sin, I have, in my bed, been greatly afflicted, while asleep, with the apprehensions of devils and wicked spirits who still, as I then thought,

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laboured to draw me away with them." His waking reflections seem also to have tormented him: "When I was but nine or ten years old," he writes, "I did so distress my soul, that then, in the midst of many sports and childish vanities with my vain companions, I was often cast down, and afflicted in my mind therewith; yet I could not let go my sins."

With all his self-accusation, we do not find that Bunyan was addicted to any actual vices, if we may except a pernicious habit of swearing. He was no drunkard; he was never suspected of dishonesty; and he thoroughly exonerates himself from any sexual irregularities. He was led to abandon the use of oaths by a woman, whom he styles "a loose and ungodly wretch;" she told him that he was the ungodliest fellow for swearing that she ever heard in her life, and that by thus doing he was able to spoil all the youth in the whole town, if they came but in his company.

As a youth he entered the army, three years after the commencement of the civil war. It has been debated whether he joined the royal or the Parliamentary forces. In the Life of Bunyan, appended to the twenty-eighth edition of the "Pilgrim's Progress," printed in 1752, it is stated: "Being a soldier in the Parliament's army at the siege of Leicester in 1645, he was drawn out to stand sentinel, but another soldier voluntarily desired to go in his room; which Mr Bunyan consenting to, he went; and as he stood sentinel there, was shot into the head with a musket-bullet, and died." The incident is related by Mr Southey.

Among the more recent biographers, Mr Brown, minister of the Bunyan Meeting in Bedford, remarks that "on which side in the civil wars he took up arms is still a moot point." But Mr Offor and Mr Copner are strongly of opinion that he must have been a Royalist. His adherence to monarchical principles is testified in many parts of his works; one passage may be quoted. In the preface to his discourse on Antichrist, he writes: "My loyalty to my king, my love to my brethren, and my service to my country have been the cause

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of my present scribble." It is acknowledged that he attended the church in his early years, and his bell-ringing propensities indicate that he was at least nominally a churchman, from which we should also infer that in "Good King Charles' golden days" he must have been a Royalist.

Shortly after his return from the wars, he married his first wife, by whom he had four children. From his own account he entered into the marriage state without having made any provision for housekeeping. He writes that he and his wife had not a dish or a spoon between them. His wife, the daughter of a pious father, was an orphan; and if she possessed but few worldly effects, she brought to her husband what was far better, industrious and well-regulated habits. She possessed two books, "The Plain Man's Pathway to Heaven," and "The Practice of Piety," a legacy from her father. She and her husband read these books together.

Bunyan began to attend church regularly, but afterwards he hardly considered that he was then a religious man, nor could he have been so considered by the Puritans, as on Sunday afternoons he indulged in rural sports which were then sanctioned. In early life Bunyan was afflicted with a kind of morbid infatuation. He seemed to think sinfulness attached to his favourite pursuit of bell-ringing, and lest he should be doing wrong he refrained from its indulgence; but he made a compromise between what he considered his duty and his inclination, by going to the bell-tower, "to look on." He then began to think that one of the bells might fall, so to be in a place of security where he might watch the ringers, he stood under one of the large beams that is placed across the tower. But even there he thought, "Suppose the swing of the bell should cause it to fall askance, it might rebound from the wall and kill me nevertheless." To become more secure he stood "at the steeple door." Then he thought he might be safe, but soon his mind misgave him, and it occurred to him that the steeple might fall, so eventually he was scared away altogether.

For a time Bunyan halted between two opinions. Hearing

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several poor women engage in conversation upon the natural condition of mankind, and the blessedness of the "new birth," he joined them frequently, and from their conversation became convinced that he lacked the earnest of spiritual life. Becoming acquainted with Mr Gifford, a Baptist minister at Bedford, who first officiated at the community which afterwards became celebrated under the pastorate of Bunyan, he was received by him into church-fellowship. From his scriptural knowledge and fluency of utterance, Mr Gifford and his people insisted on his preaching in the surrounding villages. While prosecuting his early ministrations, Bunyan underwent violent persecution. During the Protectorate he was vigorously opposed by the Presbyterians, and on the Restoration, the episcopal clergy under Charles II. determined to enforce his silence. On the charge of preaching to the lieges, he was committed to prison on the 12th November 1660, and kept in restraint till early in 1666. He was then liberated, but after six months was again incarcerated, and made to endure imprisonment for other six years. Discharged from prison early in 1672, he was arrested a third time, but after a few months' detention he permanently obtained his liberty.

A belief is erroneously entertained that Bunyan suffered imprisonment on Bedford Bridge. During the seventeenth century a place for warding offenders was built against the central pier of the bridge over the river Ouse. But as the bridge was only fourteen feet wide, it is evident that it could not have accommodated fifty-two persons, who, we are informed, shared Bunyan's imprisonment. But there is on the point conclusive evidence. From the records of the common council of Bedford we have the following:

"11*th July* 1661.—The Bayliffe having this day informed the councel that the town prison upon y^e^ Bridge is farr out of repaire so that it is not fit to secure prisoners, it is ordayned by Mr Maior and the Aldermen (his brethren) the Bayliffe Burgesses and Coralty in this present Councell assembled, that the Chamblins shall forthw^th^

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take order to repaire it both for y^e^ stone-worke and tymber-worke and otherwise making it secure as they shall deeme meete."

The preceding minute, it will be remarked, is dated eight months after the period when Bunyan was first committed to prison; and then the prison on the bridge is declared to have been so far out of repair as to be unfit for its purpose.

Bunyan was incarcerated in the county prison, which stood in the High Street, and the site of which is now an open space, measuring 110 feet in length by 30 feet in breadth.

The story of a gold ring, with the letters I. B. indented upon it, having been found among the rubbish when the bridge was taken down, has been seriously put forward as evidence that Bunyan must have been confined in the Bridge Prison. To this statement it may be a sufficient answer, that as Bunyan was necessitated to tag laces for the support of his family during his imprisonment, it is most unlikely he would indulge in wearing a gold ring. The initials on the ring do not necessarily signify *John Bunyan.*

In prison, Bunyan did not experience a rigorous restraint. Under the favour of the jailer, he was permitted to visit his family and to exhort publicly. He relates that being on one occasion permitted to visit Christian friends in London, his enemies were much offended, and menaced the jailer with dismissal. During the last four years of his imprisonment he attended the Baptist meeting, and in the eleventh year was elected to its pastorate. Towards the close of 1672 he received a royal pardon, under the Great Seal, in which, it is important to remark, he is described as a prisoner in "the common jail of our county of Bedford."

After his liberation, Bunyan lived sixteen years; but of the events of his life during that period we know but little. He visited London once a year, and made excursions to other parts of England. Wherever he went, his celebrity as a preacher procured him numerous auditors.

Brought up in the Church of England, Bunyan renounced the Book of Common Prayer, and became a Nonconformist.

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During a controversy into which he was reluctantly led, he remarked, "Since you would know by what name I would be distinguished from others, I tell you I would be, and I hope I am, a Christian, and choose, if God count me worthy, to be called a Christian, a believer, or such other name which is approved by the Holy Ghost." These having been his sentiments, we can easily understand why his works contain sufficient catholicity to render them acceptable to all denominations.

Bunyan, it has been stated, continued to work as a brazier up to the period of his decease. This is improbable. On his return from Reading, whither he had proceeded on the benevolent errand of reconciling an offended father with his son, he was seized with an ailment, which prematurely closed his life. He died at London on the 31st August 1688. His remains were deposited in the burial-ground at Bunhill Fields.

Bunyan was prone to indulge a habit of composing religious rhymes. Several unpublished verses from his pen are contained in a copy of Foxe's "Acts and Monuments," preserved in the library of the Bedford Literary Institution.

During his imprisonment, the Bible and Foxe's "Martyrs" were his chief companions; but he was supplied by his friends with other books. From Spenser's "Faerie Queene," "the man of hell, that calls himself Despayre," might have suggested to him the Giant Despair. Both propose to their victims the most powerful inducements to self-destruction. Bunyan's Christian says, "My soul chooseth strangling rather than life, and the grave is more easy for me than this dungeon." And Spenser's Despayre exclaims:

> "For what hath life, that may it loved make,
> And gives not rather cause it to forsake?"

The wife of the giant counsels to "take them into the castle-yard to-morrow, and show them the bones and skulls of those thou hast already despatched." And Spenser, in a description, shows

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"Stubs of trees
On which had many wretches hangèd beene,
Whose carcases were scattered on the greene."

The Giant Despair "told them that since they were never like to come out of that place, their only way would be forthwith to make an end of themselves either with knife, halter, or poison; for why," said he, "should you choose life, seeing it is attended with so much bitterness." Spenser's Despayre, after advancing powerful reasons why the "Red Crosse Knight" should kill himself,

"Brought unto him swords, ropes, poison, fire,
And all that might him to perdition draw."

These similarities do not detract from the merit of the "Pilgrim's Progress," which is unquestionably one of the most remarkable, as well as original, of uninspired works.

Of the earlier editions of Bunyan's "Pilgrim," few copies can be obtained. The only known copy of the third edition was destroyed by a fire at the residence of Mr Offor. Of the first edition, printed in 1678 by Nathaniel Pinder in the Poultry, only one copy is known to exist; it has lately been reproduced in fac-simile.

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THOMAS MULOCK: AN HISTORICAL SKETCH.

By ELIHU RICH, Esq.,*
Fellow of the Royal Historical Society.

THOMAS MULOCK was born in Ireland in 1789; not in the north of Ireland, as has been stated, but in or near Dublin, his father having possessed a country house not far distant from that city. His father was an Irishman, and held the official position of comptroller of the stamp-office. His mother was of Swiss extraction, a Miss Hörner, granddaughter of the Burgomaster of Bâle, a tall and stately lady, to whose mental qualities Mr Mulock was more probably indebted for his great natural abilities than to his father, who, however, was a man of good business habits, and of a fine genial temperament. Thomas Mulock was the second of twenty-two children born to this happy pair. When assembled round the family table, they formed so large a company that Mr Mulock was accustomed to compare them, jocularly, to a public meeting.

Though so young a man, during the viceroyalty of the Duke of Richmond (1807-1813), Thomas Mulock was frequently a guest on the most intimate terms at the Castle, as an evidence of which, on one occasion, when he had forgotten his glasses (being extremely short-sighted), the good-natured duke ordered the dinner to be kept waiting while he returned

* We regret to announce that Mr Rich is no longer among us; he died on the 11th June 1875. Born on the 8th October 1818, he entered a house of business in the city of London. He subsequently conducted a private seminary, but latterly devoted himself wholly to literature. For some time he successfully conducted the *People's Magazine*, and he was a copious contributor to *Chambers's Journal* and other serials. Of about a hundred volumes which proceeded from his pen, most of them anonymously, the more important are his index to Swedenborg's "Arcana Cœlestia," and his illustrated work on the Franco-German war, in two volumes, royal octavo.

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home to fetch them. Perhaps he presumed a little on the honour shown to him, for on one occasion, when going to dine at the Castle, he said to his father, "Just post this letter for me; I am in a hurry." The answer was not less characteristic of the father than the request was of the son. Looking at him with a good-humoured smile, the old gentleman simply replied, "I will tell the *other servant*."

Thomas was destined by his parents for the Church, and arrangements were being made to send him to Trinity College. His own views—influenced perhaps by the gaiety of the Castle—were different. He persuaded his father to let him have the money (about £1000) which would have been spent on his education; and went to seek his fortune in the world in company with his elder sister Sophia. He left Ireland before the expiration of the duke's viceroyalty, most probably in the early part of 1812, and first went to Liverpool, where he entered a commercial house. I have no information as to where he first made the acquaintance of George Canning, but in the election of that year he accompanied him about the town to canvass for votes, and bravely stood by his side on the hustings, when they were both pelted with a merciless shower of rotten eggs, fishbones, and cabbage-stalks. He and Canning were thenceforth stanch friends, and during the next few years Mulock was frequently, if not for long periods, in London, mingling with the fast men and the wits of the period. It was the age of Byron, Campbell, Scott, Southey, Wordsworth, Coleridge, Moore, Montgomery, Lockhart, and Croly, not to mention others of less note. Society was very much what the Prince Regent by his example made it. Party spirit ran high, questions of high policy were mingled with the wretched personalities of the Princess of Wales and her royal persecutor, and conspiracy was rife among the populace. Thomas Mulock, however, naturally took his place among men of high attainments, and when he went on the Continent, towards 1820, it was with the serious purpose of lecturing on English literature; and these lectures, judging from all the circumstances, must have been delivered in the

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French language. At Paris he alluded in one of his discourses to Canning, and remarked in his dogmatic manner that it was impossible he could ever be prime minister. Looking up, he saw Mrs Canning among the audience. It is probable that she reported the remark to Canning, for on the very night (in 1827) when the king sent for the great statesman to form an administration, he wrote to his friend Mulock from the palace immediately after the interview with his Majesty, and informed him, triumphantly, that he *was* prime minister.

Mr Mulock was accompanied in his tour on the Continent by the same attached sister who left Ireland with him, and to whose sons, Mr William Villiers Sankey, and Mr Robert Sankey, I am indebted for such of those particulars as I have not heard Mr Mulock himself relate. On the Continent, as in London, he mingled with the eminent men of the period. Among others, he made the acquaintance of Sismondi, Spurzheim, Benjamin Constant, Jomard, and Talma. There also he met with Wordsworth and his sister, who were among the host of travellers that took advantage of the cessation of hostilities to go abroad.

Shortly before Mr Mulock's departure for the Continent, the *Literary Gazette* had been started by the late Mr Jerdan, who had previously edited the *Sun*. In the third volume of his autobiography (p. 123), Mr Jerdan speaks of his and Mr Mulock's acquaintance with Prince Louis Napoleon, and adds:

"It is an odd coincidence that I recognise him (Thomas Mulock) as the author of three clever satirical letters in the *Gazette*, under the signature and in the character of SATAN, which made a noise at the time; which my correspondent was increasing by giving a course of lectures on English Literature at Geneva, and afterwards in London."

These letters of "Satan" are to be found in the *Literary Gazette* for the year 1820, at pp. 765, 781, and 796, and are headed "Letters from a Distinguished Personage." Mr

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Jerdan, as editor, gives as his reason for inserting them that he had no wish to make so powerful a personage his enemy, and the devil goes on to say, in the first letter, that there is not a kingdom or a court—a city or a village—a family or an individual—over whom he has not occasionally some influence; he has a seat in Parliament, and not infrequently assists at the Privy Council; nay, he can boast of having been more than once on the Bench of Bishops:

"In the supercilious looks of the Churchman as well as in the affected humility of the Dissenter, the lineaments of my countenance may often be distinctly traced. I am sometimes to be seen beneath the broad-brimmed hat of the Quaker, and all the young men about town must have frequently recognised me in a more alluring form—peeping slily from under a straw bonnet, or enveloped in the folds of a silk petticoat."

In the second letter there are touches of satire which might have been written yesterday. After boasting of the crowds of votaries who worship him in all parts of the world, more especially in the Temples of *Vanity*, *Ambition*, *Pleasure*, *Fortune*, and *Fame*, and even in the courts of *Justice*, "Satan" says:

"It is very well known that I am the patron of all those who hold opinions which tend to represent man as an automaton, and the world as a machine; it is not equally notorious that I give the chief impulse to those bodies, so numerous in every country, who substitute by my means their own morbid feelings for the simple precepts of what you call your sacred writings."

Then, after hinting at various forms of fanaticism and superstition, the devil adds: "I may observe that one of my chief amusements is to preside over the ever-varying fashions of female attire," specifying rouge for the face and certain extravagances to improve the figure; nor forgetting laces and flounces and feathers, Spencers and pretty bonnets, and pads of all kinds (the chignon had not then been invented), and the various places, such as balls, routs, and assemblies, where

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these allurements are displayed. Finally, his Satanic Majesty claims the merit of having suggested the establishment of *circulating libraries*, and the employment of *nurses*, *tutors*, and *governesses*, for which he assigns good reasons; the circulation of novels being finely designed to promote the extension of the primeval temptation, the knowledge of good and evil, and nurses and governesses being admirable means of relieving parents of their proper duties.

In the third letter, "Satan" advances a claim which concerns very nearly the Royal Historical Society. Men are the puppets; he is the mind which plans and directs their movements. The influence and presence of the devil is the key to the true interpretation of history! He sums up instances from all time, ending with the French Revolution and the wars which followed it, all planned by him. It will not be his fault if England does not follow the example. After warning the nation, he warns the ladies in particular to beware of him, for "they can never have a *tête à tête*, or an assignation with a dear friend, without his participation and knowledge."

Finally, he turns upon the parsons:

"I trust that the clergy, who are in general so vociferous against me, will, in talking of me in future, speak of me as it becomes one gentleman to speak of another. Vulgar abuse ill suits the dignity of their profession, or the importance of my character. Pray what would be their use if there were not, or if there never had been, a devil? Not less than twenty thousand of them in this country eat their bread indirectly through my means; and if I were once fairly disposed of, it is demonstrable that there would be no further occasion for tithes. I know I have a good many friends even among the clergy; and in the hope of their still increasing in number, I forbear saying anything harsh; but," he concludes, "let them look to it, for we stand or fall together."

Such, if Mr Jerdan's memory did not deceive him, were the sketches of society written by my late friend fifty-four years ago, under the pseudonym of his Satanic Majesty.

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The editor of the *Gazette* was overwhelmed with communications, as he said, in the number for December 16, 1820, from other devils, whom it was impossible to oblige. A young lady was anxious to know if the devil was likely to appear in the shape of a handsome young man, or an officer of the Guards. A merchant thought he would take the hint and trade honestly for the future, but was soon a bankrupt, and so on. Whether Mr Mulock borrowed the idea from Sage's "Diable Boiteux" I know not, but he had a sincere belief in the devil, and I have myself heard him speak bitterly of those whom he believed to be influenced by the devil in their behaviour towards him. It is curious, by the way, how freely the devil was made use of in the seditious publications of Paris in 1848, and again in 1870, after the fall of Napoleon III. I have a pamphlet in my hand, published at the latter period, "Si j'etais le diable" ("If I were the devil, what I would do to destroy France"); and the writer, in the character of "Satan," goes on to enumerate the various doings of the Radicals and Communists as his favourite means of action, thus verifying the satirist's idea of the part played by his Satanic Majesty in the events of history.

If the letters of "Satan" may be accepted as an illustration of Mr Mulock's finer vein of satire, it would convey a false impression of his character to omit all notice of the coarser warp in his nature which condescended to personalities which it is not the fashion of our time to indulge in.

An illustration of this unsparing form of satire, is to be found in the files of the *Sun*. I am myself old enough to remember the famous demagogue, Henry Hunt, not, of course, at the period referred to, but nearer the end of his career, before hackney-coaches had gone out of use, and when blue coats and white hats were still the prevailing fashion. Mr Jerdan, speaking of Hunt's famous Spa Fields demonstration (the prototype of the Chartists at Kensington), recalls to mind "Mr Mulock, a gentleman of rare talent," as having contributed "a series of reports and bulletins, on the assumed ground that Hunt had been committed to Bedlam as a lunatic, giving an account of

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his aberrations when visitors were admitted, which would not have been unworthy of Dean Swift."*

We left Mr Mulock lecturing in Paris, where he offended Moore by damning with faint praise his "Lallah Rookh." From Paris he went to Geneva, and finally extended his journey to Italy (in 1821), where he fell in with Byron, who speaks of him in his letters to Moore as *Muley Mulock*. My impression on first meeting with this somewhat happy epithet was that Byron's fancy had been tickled with an alliteration which certainly expressed a fact. But looking at the old pictures in a print shop a few weeks ago, my attention was caught by the portrait of a race-horse named *Muley Molock*, which must have been well known at that time. Lord Byron in all probability knew the history of this horse when he applied it so appropriately to the dogmatic lecturer.

On his return from the Continent, probably in the early part of 1822, Mr Mulock was invited by the Rev. Sir Harcourt Lees to visit him at his rectory near Newcastle-under-Lyne. While there, he made the acquaintance of the late Mr Minton, who appears to have been impressed by his pronounced views of Christianity, and invited him to take up his residence in the neighbourhood, in order to evangelise his workmen. The result was that he worked earnestly in the ministry at Stoke-upon-Trent. William Howitt, who was then courting the pretty Quakeress, Mary Botham of Uttoxeter, and was therefore often in the neighbourhood, has recorded a visit to Mr Mulock's place of worship in one of his popular descriptive sketches. This is some proof that Mr Mulock was one of the lions of that day, fifty years ago. William Howitt says, in the passage referred to:

"He (Mr Mulock) was a gentleman of good family and education. I think he had been private secretary to George Canning, and had the best prospects. [This was a mistake.] He wrote poetry of no mean order, and forsaking his connection with Canning [not true, however, he was in correspondence with Canning to the last], and his brighter worldly prospects, had lectured on English literature in

* Autobiography, vol. ii., pp. 130, 597.

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most of the capitals of Europe (probably in French). In Paris he had ventured to speak so plainly his opinion of the career and character of Bonaparte, that some officers who had served under him (namely, Napoleon), sent the lecturer word that if he repeated such sentiments they should feel obliged to call him to account. On receiving this message, he repeated the lecture verbatim, read the letter, and treated it as a threat of assassination. We were told much of this extraordinary man, and, accordingly, we went to hear him. The place of worship was a large upper room in a china factory. It was perhaps thirty or forty yards long, and ten or a dozen wide, and of a proportionate height. Its walls were bare and whitewashed. About fifty people formed his audience; ten at least of them were ladies of known wealth, and of elegant appearance; the rest were potters in their working clothes, with their wives and children. In the midst of this great room, thus singularly furnished, stood Thomas Mulock, at his unique reading-desk. He was then a young man of gentlemanly, and even handsome person, of about the middle size. [Perhaps the reading-desk prevented Mr Howitt from judging accurately, as Mr Mulock was certainly close upon six feet high.] He was clad in a blue dress-coat with gilt buttons, a buff kerseymere waistcoat, which at that period was much worn, and white trousers. Altogether he irresistibly reminded you of Coleridge. [But he was taller and slimmer.]"

Referring to his discourse on this occasion, Mr Howitt says:

"He assured us that all the preachers—the Christian world, so called, all over—were preaching what they did not understand; and all the missionaries to every region of the globe were running before they were sent, and on a business which they knew nothing about."

Certainly Mr Mulock would not have hesitated to say so, for I have heard him assert much the same thing in conversation; but to explain the ground of his convictions would lead us too far into debatable questions, which in a society like this are best avoided. Enough, that Mr Mulock was a man of strong aversions, as well as of extreme opinions. "Sir," he said on one occasion, "doctors, lawyers, and parsons are

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the devil's trinity in this country!" and, accordingly, though it is a digression in this place, when pleading for the recognition of the independence of the Southern States of America, during the civil war in that country, he emphatically said :

"The great hindrance to a proceeding so eminently eligible is the pernicious prevalence of *lawyerdom* in our councils, where, unfortunately, firm luminous principles of comprehensive statesmanship have little or no place. The Foreign Office can do nothing without consulting the law officers of the Crown, who are indisputably the most mischievous advisers when the wide and lofty concerns of nations are critically in question. A first-rate porer over briefs—the most renowned *Nisi Prius* or chancery lawyer, when calamitously called on to report his opinion on points of State importance, has nothing to guide him but his bit of Blackstone, or, at furthest, some dingy *dicta* ferreted out of Lord Stowell's decisions. As for the writers on what is absurdly termed the Law of Nations, their works are utterly worthless, for they are, in truth, the plausible nothings evolved from the subtle minds of speculative men. International law is a mere abstraction—it has no real authoritative existence in any part of the world—and let Grotius, Puffendorf, and Bynkershoek prattle as speciously as they may, the only law of nations is the law of the strongest, just as victorious Brennus cast his sword into the doubtful scale. Statesmen, endowed with sound judgment, large views, and righteous principles, will never seek the aid of lawyers, whose vocation is in a totally different sphere. In Westminster Hall, let them enjoy their fame and their fees, but when the great interests of nations are at stake, the doors of Downing Street should be closed against technical lawyers—and all lawyers are inevitably such—for their faculty habits are unfavourable to that enlargement of mind which is indispensable in true statesmanship."

To close this somewhat long parenthesis and return to Mr Mulock at the Potteries, he appears to have resided at Hartshill in 1823, as a lodger, in a house adjoining that of Mr Mellard, a tanner, who had three daughters, all members of Mr Mulock's congregation, and accustomed to chat with him over the palings which divided their respective gardens. It would be wicked to say that the three girls set their caps at

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the handsome young parson, but having to account for the existence of a well-known name in modern fiction, it is necessary to record the fact that he married the youngest of them, and there is a legend that he dressed for the ceremony all in white, even to his shoes, which were of white satin. The issue of the marriage were two sons and a daughter. The latter is known to fame as the author of "John Halifax, Gentleman," and other popular fictions. The record of the sons is a less happy one. Thomas, the elder, studied painting at the Royal Academy, where he took a conspicuous part in some act of rebellion, and Mr Mulock, as he was certain to do in such a case, taking the part of the principals, Brutus like, approved of his son's expulsion. The young man was afterwards on the point of going to Australia, when he fell off a quay wall, and was so injured that he died. Benjamin, the younger, entered the Land Transport Corps, and was employed on the works at Balaklava during the Russian war. He was skilled in music, and was an excellent photographer. In the latter character he was employed a few years ago in South America to photograph the monthly progress of the Bahia railway. After his return home, he died in consequence of an accident. The photographs are on a large scale, and beautifully executed.

While Mr Mulock ministered at Stoke, he paid one or more flying visits to Oxford, where his peculiar religious views had gained some converts. He was intimately acquainted with William Wilberforce. He knew the sons, and did not much like them. Samuel, the late bishop, who had entered at Oriel about this time, he thought rather wild, and had besides a poor opinion of his talents. This is not to be wondered at, as no two men could be more dissimilar, and at the same time more strongly marked in their idiosyncrasies. Rumour was busy with Mr Mulock's followers at Oxford, who were accused of holding a doctrine which could have no other effect than to sap the very foundations of society if it were practically applied. A letter addressed by Mr Mulock from that seat of learning, "*to the sons and daughters of the Lord Almighty, in*

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and near Stoke," and a pamphlet published by Mr Reade of Hartshill, with whom he had a bitter controversy, would throw some light on this subject if it were worth investigating.

In 1827 Mr Canning's letter, announcing that he had scaled the impossible height of the premiership, as Mr Mulock deemed it, was followed by the offer of an appointment in the Cabinet. As usual, Mr Mulock made difficulties. He wished to pledge Canning to the abolition of the Test Act, and not succeeding, he lost the opportunity which most other men, possessed of his energy and talents, would eagerly have seized. He did not retire from the secretaryship, for he was never appointed, nor did he break with Canning, as has been alleged. They remained friends to the last, and had been on such intimate terms that Mr Mulock felt justified in writing his friend's biography, for which he possessed ample materials. Arrangements were already made for the publication of this work, when the late Lord Canning (the son of the great statesman) and Lord Stratford de Redcliffe threatened him with an injunction. To avoid litigation he agreed to reserve what he still deemed his right. It is to be hoped that the manuscript, like his own autograph reminiscences, is safe in the keeping of some member of the family, and that it will not in the future be subject to the fate of Byron's diary.

In 1840 Mr Mulock, abandoning his ministrations at Stoke and Oxford, came to London and took a small house at Earls' Court, not far from the pretty residence of Mr and Mrs Carter Hall. Here he lived for three or four years, and then moved into Southampton Street, Holborn, where he opened an office, the purpose of which recalls a painful episode of his life at Stoke. The office was announced as that of a "*society for the protection of alleged lunatics, and for the assistance of those whose property was unjustly detained, and others.*" These "*others*" must have made the plan an exceedingly comprehensive one. One of his coadjutors in this good work was Mr Perceval, the only son of the celebrated minister who fell by the hand of an assassin. A third gentleman in

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the association was a Mr Boulter, who, like Mr Perceval, contributed a large sum to the society. Mr Mulock also contributed according to his means. By their exertions several persons who had been unjustly confined in asylums were restored to liberty; among others, a German named Dr Peithmann, who had been confined at the instance of certain officious friends of the Prince Consort, for offensively urging some demand upon him. These charitable exertions were continued till the end of 1846 or the beginning of 1847, when Mr Mulock went to Ireland to look up his old friends, and during the famine was a guest of the late Mr Litton, the member for Coleraine, and a stanch supporter of the Conservative party. In 1849 he came to London, and after a short stay in the metropolis he went to Edinburgh, and thence drifted as far north as Inverness, the capital of the Highlands, where for some time he edited the *Inverness Advertiser*. He especially distinguished himself by writing a series of articles on the proprietors and people of the Western Highlands and Islands of Scotland, which were afterwards (1850) collected in a volume. The period illustrated by these letters is that of the famous evictions. The circumstances were analogous on a smaller scale to those of the famine in Ireland, and a Highland Destitution Relief Board was established, and entrusted with the administration of a sum of £200,000. Mr Mulock criticised the operations of the board, as he criticised the proceedings of the proprietors, *unsparingly*. He speaks of Sir Charles Trevelyan as one "qualified" to administer relief to the starving Highlanders "by his signal imbecility!" and talks of his "rushing into the national advantages of systematised starvation." The maximum of work for the minimum of food was the rule laid down by Sir Charles, and to enforce this rule, a number of half-pay naval officers were foisted upon the funds. This subject, treated with withering scorn by Mr Mulock, was not the only question of national importance which engaged his pen while editing the Highland journal. One of these subjects was the *Free Church question*, which involved him in a hot controversy with

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Hugh Miller, whom he denounced, certainly in his most decisive, though not most polished manner, for that "*venomous vulgarity of abuse, which has hardly a parallel in the recorded rancour of the vilest vituperation.*" The alliterations in "venomous vulgarity," "recorded rancour," and "vilest vituperation," are far from being in good taste, and they who knew Mr Mulock will understand that he was in one of his most "tempestuous tempers" when he penned them. The story of his connection with the *Advertiser*, and the circumstances of his withdrawal from it, as told by himself, fairly exemplify the impracticable side of his character. Having accepted the interim editorship during the illness of the proprietor, Mr M'Cosh, he was entreated by that gentleman to withdraw his critique on the life of Dr Chalmers, which Mr M'Cosh said would "not only give pain to his oldest and dearest friends, but also peril the interests of the paper, which," he added, "is the only dependence I have to leave my family in the event of my own removal." Mr Mulock refused compliance, on the ground that "no objection was urged against the truth, soundness, or style of the article." It accordingly appeared. Mr M'Cosh died, and eventually Mr Mulock's connection with the paper was abruptly terminated. Previous to his temporary assumption of the editorship, he had written articles in the *Witness* on Irish affairs, which gave offence to Mr Fox Maule, afterwards Lord Panmure and Earl of Dalhousie, at whose suggestion they were discontinued.

In the year of the great exhibition, 1851, Mr Mulock came with all the world to London, and it was then I first had the pleasure of making his acquaintance, at the house of the sister already mentioned as the devoted travelling companion of his younger days. He remained in the metropolis for some months, and during this time contributed to one of the London papers. In a series of brilliant articles, he defended the *coup d'état* of December 2d as a political necessity in the then state of France; and a curious quarrel arose out of the circumstances with the editor of the journal to which they

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were contributed. As usual with him, Thomas Mulock was inflexible and uncompromising in maintaining his own views. In his opinion of that event, Lord Palmerston, who was then Secretary of State for Foreign Affairs, participated; and after a few days his lordship addressed a complimentary letter to the Prince President, sending it direct to the Elysée, instead of forwarding it through the customary channel of the embassy. Those who are old enough to remember the excitement in the French army and the addresses of the colonels, whose first demand on the victor in the parliamentary struggle was "*Vengeance for Waterloo!*" will appreciate the motive of our foreign minister. But Lord Palmerston did not stop at this point. He sent other despatches to Louis Napoleon which had not been submitted to the Queen and the Prince Consort; and for these acts of insubordination, as they were deemed, he was dismissed from the Foreign Office by Lord John Russell. The alliance of France and England grew naturally out of these circumstances; and if Lord Palmerston deserves praise for his shrewd forecast of the future and his daring initiative, some credit is also due to those who had the manliness to stand by his side and brave the storm of vituperation with which he and they were alike assailed.

It would be tedious to relate the whole story of Mr Mulock's connection with the press. There was hardly a great public question opened for discussion which he did not write upon in his trenchant style. His subjects range from questions of high state policy down to the lowest questions of opinion and morals, of which latter a luckless example may be mentioned in the famous Chetwynd divorce case. Mr Mulock appears to have had documents in his possession which tempted him to interfere with the conduct of the trial, and brought him under the censure of the court. Committed for contempt, he was in prison several months, for he would neither obey the order of the court to avoid the heavy fine with which he was threatened, nor pay the fine when he was sentenced. It is further characteristic of him that he connected what he deemed the failure of justice in this case with

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the coming doom of the British empire. Toleration of another man's opinion was for him the toleration of all that was unjust and dishonourable, and revolting to divine truth itself. By nature he was a despot, intellectually, socially, religiously, and politically. The law of give and take, the possibility that other men might have reason on their side too, could not be entertained for a moment. Considering his great abilities, and his knowledge of men and things, the obduracy of his temperament is almost unaccountable. It can only be understood by distinguishing nicely between moral and intellectual insanity.

And yet Mr Mulock was a kind-hearted, genial, and most companionable man. He was fond of children and fond of music, and thoughtful and considerate about other people's comforts. He was master of a vast store of anecdote relative to other times and manners, and even to the most recent occurrences. It would scarcely have been possible to name a celebrity of the last sixty years of whom he had not some interesting anecdote to relate. His conversational powers were of a rare order when he was in the mood, but he was like a sleeping lion, easily roused to anger, and ready for a serious bout of fence with his best friend when his prejudices were touched. In a word, his weakness was excessive *egotism*. In all that he did, it was himself, his opinions, his convictions, his supposed rights, that he guarded. And as Wolsey spoke of *ego et rex meus*, so Mr Mulock always associated his cause with that of the Almighty. There was a something wanting in him, which I can only designate as that abandonment of self which is the root after all of every enduring virtue. A careless word touched him like a studied insult, and a slight variation in the manner of doing a thing, compared with his own sometimes strange ways, was a want of principle.

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ST PROCOP OF BOHEMIA: A LEGEND OF THE ELEVENTH CENTURY.

By the Rev. A. H. WRATISLAW,
Fellow of the Royal Historical Society.

THE great Hussite movement at the commencement of the fifteenth century has never yet been satisfactorily accounted for. Even Palacky, writing under the strict and vexatious censorship of the press at Vienna, has been unable to display in their fulness the various forces which then acted in the same or in parallel directions, and produced that tremendous explosion which shook the Church of Rome to its foundations, and placed the four millions of Bohemian or Czeskish Slavonians for a time, both morally and intellectually, at the head of the nations of Europe. That movement was at once national, intellectual, literary, religious, and also historical; that is to say, one of the forces which tended to produce it was traditional, and arose from the fact that Bohemia was originally converted by Greek missionaries, possessed a Slavonic ritual of its own, and permitted the use of the chalice to the laity. Hence the surname of the ever-victorious, though eventually totally blind, leader of the Hussites, ZISKA Z KALICHU, "Ziska * of the Chalice," the chalice which was borne on the banners of the Hussite armies, and is even now the only ornament allowed in the simple Protestant chapels thinly scattered through the north of Bohemia.

The legend of St Procop, scenes from which are to be found depicted or sculptured by the wayside in various parts of Bohemia, exhibits very strongly the resistance made to the introduction of the Roman ritual to the exclusion of the Græco-Slavonic one. It is also in itself a curious legend, but,

* It is not generally known that Ziska is merely an abbreviation of Sigismund.

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as might be expected in the case of a saint who interfered actively after death in opposition to the Church of Rome, it is not to be found in such works as Alban Butler's "Lives of the Saints." It occurs in a poetical form in a manuscript of the first half of the fourteenth century, but corrupted rhymes and omitted lines indicate that the composition itself must be considerably older. It has been twice printed this century in Bohemia.

The writer commences by an address to old and young to listen to what he is about to tell them of St Procop, "who was born in Bohemia, successfully extended his order, faithfully fulfilled the holy law, and wrought great miracles." The holy Procop, he continues, was of a Slavonic family in the village of Chotun, not far from Böhmisch Brod. His parents were an old farmer and his wife, who, according to Solomon's wish, were neither over rich nor over poor, but occupied in every respect a middle station. They were God-fearing people, and brought their son up in such a manner that he was soon remarkable for his virtues amongst his equals. Seeing his excellences and the bent of his mind, they sent him to Vyssegrad (High-castle), near Prague, to a distinguished teacher, under whom Slavonic learning and literature were flourishing. Procop paid especial attention to the study of the Scriptures, in which he made such progress that all the teachers marvelled thereat, and remarked upon it among themselves. He was never idle, and never devoted any time to amusement, but was always engaged either in prayer or study, and was "as meek and quiet as if he had been a monk." The canons began to take notice of him, and on account of his humility, made him a priest, and elected him a canon of St Peter's, and they would have elected him their provost, had he not, in order to avoid the snares of the world, refused to accept the position.

Meanwhile, he met with a virtuous old Benedictine monk, and requested him to admit him into his order. The monk at first dissuaded him from giving up the prospects before him in the Church in Bohemia, but eventually consented to

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admit him. Procop then adopted a hermit's life in the neighbourhood of his native district, and finally settled in a forest near the river Sazava, about ten English miles from Kourim. Here he found a rock, on which he proposed to dwell, preoccupied by devils. Undaunted by this, he proceeded to clear away the forest around, and built a chapel in honour of the Virgin Mary. For many years he remained here unknown to all men, but, as a city upon a hill cannot be hid, neither can a fire be under a bushel, so did not God allow him to remain unknown all his days.

A prince named Oldrich (Odalric, Ulric), after a discussion with his attendants as to where they should hunt, determined upon doing so in the hilly neighbourhood of the Sazava. In the course of the hunt, the prince was left entirely alone, and a marvellously beautiful and well-fatted stag appeared before him. Oldrich pursued it, crossbow in hand, and it gradually retired before him, always just keeping out of range, till it reached the rock on which Procop was at work felling an oak. It sprang behind Procop, and turning its antlers towards him, displayed a cross between them.

> "Seeing that beast of wondrous race,
> And the monk so meek of face,"

Prince Oldrich threw down his crossbow, and pulled up his horse. He then proceeded to question the monk, asking him who he was and what he was doing there. The monk replied that he was a sinner named Procop, living in that hermitage under the rule of St Benedict. Oldrich dismounted, and begged him to hear his confession, which Procop did, and assigned him a penance. After this, the prince requested him to give him something to drink, as he was heated with his long chase. Procop replied that he had no other drink save the water which he drank himself. Taking a drinking-cup, he sighed from his heart, blessed the water with his hand, gave it to the prince, and bade him drink. On drinking, the prince was astonished at finding such excellent wine in so lonely a spot, and said that he had been in many lands,

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but had never drunk better wine. Struck by these miracles, he bade Procop collect more brethren about him, for it was his intention to found and endow a convent there, which at Procop's recommendation he determined to dedicate to St John the Baptist. Oldrich took counsel with his lords and esquires, assembled workmen, and had the building erected with all possible speed, and Procop, against his will, was chosen abbot. This happened in the year of our Lord 1009, and in the reign of the Emperor Henry II.

Procop exercised all virtues and all hospitality as abbot, and people crowded to him, "as chickens to a hen," from all quarters. Various miracles of his are related. A person named Menna, who desired to see him, found himself unable to cross the Sazava, all the boats being moored at the other side. Suddenly up came Procop and the brethren, chanting and praising God. Menna prayed that for the merits of Procop God would grant him the means of crossing the water. In a moment a boat released itself from its fastenings, came to him, and conveyed him across. Procop refused to accept the credit of this occurrence, and referred his brethren to the Scriptures, in which the power of true faith, if only as a grain of mustard seed, is exhibited.

Another miracle, given at considerable length in the poem, is the casting out of a devil, which flew up to the church top, but eventually fell down, and burst into four pieces.

Another set of devils complained bitterly that a Bohemian was now set over them, and that they would have to leave their comfortable residence, where Procop and his brethren had established themselves. Procop, overhearing what they said, made himself a whip, put on his priestly robes, went into the cave where they dwelt, and drove them away.

Next is related the restoration of a blind woman to sight. But just as the reverence for Procop was at its height, Prince Oldrich died without completing the convent as he had intended. His successor was his son Bretislaw, who, being informed that Procop had first been a hermit, and then his father's confessor, and that his father had made him many

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promises, in particular engaging to build him a convent, but had died before he had been able fully to carry out his intentions, proceeded to ask the advice of his councillors, who urged him to finish what his father had begun. He went to Procop, took him by the hand, commended himself to his prayers, confessed to him, addressed him as "Holy Father," and confirmed him in all possessions and privileges as abbot. Procop humbly besought him not to lay so great a burthen upon him, but both the prince, Severus, Bishop of Moravia, and all present, insisted on his holding the dignity and accepting the responsibility.

It happened that one of the brethren, who had a particularly fine voice, distinguished himself in chanting the mass, till many people said that he did so "as beautifully as an angel from heaven." Procop, hearing that he was priding himself on this account, rebuked and cautioned him before the assembled brethren.

> "And that he fear henceforth might have,
> An ass's penance they him gave."

Procop's miracles in healing the sick were numerous; in fact, the author of the poem says that they were without number. Finally a leper came to him, whom he entertained for a week, and when the man wished to take leave and return home, Procop—having given away everything else that he had—begged him to stay three days more, till he himself should be buried, and then he should have his gown to depart with.

Procop was informed of his approaching death by Divine revelation two days before it happened. He communicated the intelligence to two of his friends, Vitos his sister's, and Jimram his brother's, son, and also informed them that endeavours would be made to drive them from their convent by calumny, and that they would be compelled to seek refuge in a foreign land, where they would remain six years. He exhorted them to unity and love among themselves, and told them the names both of the prince who would persecute them, and of the one who would restore them to their convent. His

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death took place after two days' struggle with the devil, in the year of our Lord 1055, and his funeral ceremony was performed by Severus, Bishop of Prague. His gown was given to the leper above mentioned, and in a moment he was healed, and his flesh became "as the flesh of a little child." The same person, who appears to have been also blind, desiring to see the body of Procop before it was put into the earth, was temporarily restored to sight for the purpose, but the cure was not permanent, as he was a professional beggar, with a great disinclination for work.

Procop's personal appearance is thus described: "He was a man of lofty stature, broad shouldered, strong boned, and full bodied. His head was large, his complexion fair, and beard black. His hair was blackish, and his expression bright and cheerful. His address was kindly, and his heart entirely free from guile."

After his death the brethren took counsel together, and elected the priest Vitos as their abbot. This man had been "the friend of his own soul, and was a person free from all wickedness, a wise man and full of grace." He refused the post, but was compelled by the brethren and the Bishop of Prague to accept it. But in spite of all his excellences, misfortune came upon the brethren, which is thus related by the writer:

> "When Bretislaw, good prince, is gone,
> Ungracious Zbyhnew mounts the throne,
> Who little holds this convent dear,
> But lends to calumnies his ear.
> 'Twas thus the faithless work they plied,
> Thus to the prince they falsely cried:
> 'O prince, there are Slavonians here,
> Another scripture they revere,
> And divination practise still;—
> Let them not, prince, thus work their will!
> In Slavic tongue the mass they sing,
> Before God's table clustering;
> Heretical their conduct bold,

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Such service in this land to hold.'
'Gainst Vitos this and more they said,
And those of whom he was the head;
Their slanders had such force and strength,
They drove them all away at length.
Abbot and brethren, meeting there,
Themselves to holy Procop's care
Commended, then with hearts of woe
Together did to Hung'ry go.
To others then was given their place,
To foreigners of German race.
These Germans Latinists were known,
And glad that convent made their own.
O faithless trickery of hell!
O human envy, sad to tell!
O faithless sland'rers that ye be,
The devil's emissaries ye!
The devil whispers to you now,
Ere long hell-fires will round you glow!
Who doth God's servants harm and wrong
Will perish from this world ere long.
E'en thus those sland'rers it befell,
Who in this world not long did dwell;
Procop their deed right ill did take,
And to them on this wise he spake.
They the first night to matins rose,
Each to the church in order goes,
There at the door did Procop stand,
And prophesied with upraised hand:
'Say, whence ye hither came to dwell?
What here hath been your bus'ness, tell?
Yea, who hath hither sent you, say?
Who this abode hath given you, pray?
What seek ye, sland'rers, here in sight?
What claim ye in this place of right?'
The Germans stood with fixed gaze,
But not a word a German says;
They all were awed in dire affright
At holy Procop's voice of might.

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In terror great they speed away,
But yet thus much in answer say:
'Bohemia's Prince, in order due,
His honourable council too,
Us in this convent here did plant,
And it to us till death did grant.'
When he a foreign language heard,
Procop continued thus his word:
'I warn you, by God's power and grace;
Away, ye sland'rers, from this place!
If this ye shall neglect to do,
God's punishment will fall on you.'
This said, he vanish'd from their sight;
The Germans service held aright,
No heed unto his warnings gave,
But thought them trick'ry of a knave.
A second night was well-nigh spent,
The brethren to their matins went;
The holy Procop came once more,
Stood in the church above the door,
Began to speak right angrily:
'Ye faithless Germans, tell me why
My warning thus with scorn ye treat.
Here is for you no dwelling meet.
Yea, ye have done right faithlessly,
Hence chased my sons by calumny.
Hence, sland'rers, quickly from this place!
I give you warning now by grace.'
Small heed thereto the Germans paid,
But turned to sport each word he said.

. . . .

Till the third night he came in sight,
And did upon them show his might.
To them again he 'gan to say:
'Ye Germans, hearken now, I pray.
I have fulfill'd God's Holy Writ,*
But ye my word regard no whit.

* By two warnings—one between them and himself, and one in the church—he could now treat them as "heathen men and publicans" (Matt. xvii. 15-18).

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No place for you did I prepare,
For mine own sons I raised it fair;
But, faithless sland'rers, not for you,
Ye are a vile Hungarian* crew!
The prince the convent gave, ye say;
But now I chase you hence away.
Good words could not your pride abate,
Sazava's home I'll make you hate.
Up! on your road no moment waste!
Take yourselves off to Prague with haste!'
This said, his hand a cudgel bore,
With which he thrash'd the Germans sore.
No word the Germans dared reply,
But each man foremost strove to fly;
No question ask'd they of the way,
But skipp'd along like goats at play."

They then went to the prince and told him to give the convent to whom he would—he would not get them to return thither, for they had been lucky to escape with their lives. "That Procop," said they, "who lies there, will not allow us to possess his territories; and no one whom he does not favour can hold that convent. We have been in fear of him; let every man beware of such punishment." The prince, hearing this, marvelled much, but did not think fit to repent and turn to God, "wherefore God shortened his days." Wratislaw succeeded him as Prince of Bohemia, sought out Vitos and the brethren, brought them back from Hungary, and replaced Vitos in his abbacy. "And thus was fulfilled the prophecy of the holy Procop."

However, Procop's saintly interference in support of the Slavonic ritual was only successful for a time. Discord broke out among the brethren, and in 1097 that ritual was entirely suppressed. But in 1394 the Emperor Charles IV. founded a Slavonic convent in the new town of Prague, with a view to the eventual reconciliation of the Greek and Roman Churches.

* "Hungarian" seems to have been a term of reproach in Bohemia, like "Dutchman" in England after the accession of William of Orange.

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In this convent he placed monks from Dalmatia, Croatia, and other Slavonic countries, who made use of their own Slavonic ritual and the Glagolitic handwriting. Among other gifts, Charles presented the convent with the only relic of the old Bohemian Slavonic ritual still remaining, the Book of the Gospels, said to have been written by St Procop in the Cyrillic character with his own hand. This Slavonic codex, after various changes of fortune, obtained the high honour of becoming the book upon which the kings of France took their coronation oath at Rheims.

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